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THE
PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 8th of DECEMBER, 1790, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.



NUMBER I. PART I.

L O N D O N :

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M DCC XC.

N. B. The Sessions Papers will be comprised in *Two Parts only* for the future, by Order
of the Common Council.

[PRICE ONE SHILLING AND FOUR PENCE.]

THE PROCEEDINGS

UPON THE

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable JOHN BOYDELL, LORD MAYOR of the City of London; the Honourable Sir WILLIAM HENRY ASHURST, and Sir FRANCIS BULLER, two of the Justices of his Majesty's Court of King's Bench; Sir JOHN WILLIAM ROSE, Serjeant at Law, Recorder of the said City, and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

London Jury.

Robert Roberts
Philip Eldon
William Lawrence
Abraham Ord
Henry Freeman
Edward Chappell
Pollard Jocelyn
Thomas Lawford
Fenton Robinson
Henry Hall
Edward Strickland
John Burgham

First Middlesex Jury.

Joseph Smith
Thomas Settree
Peter Baker
Peter Leste
Philip Cornman
William Charpentier
William Way
Edward Barry
Thomas Nevett
William Lovegrove
William Coltman*
Thomas Francis

Second Middlesex Jury.

Richard Bowen
Thomas Bromfield
George Langdon
Benjamin Reynolds
William Norris
John Middleton
Samuel Bayley
William Hennings
John Edwin
Robert More
John Kirkby
John Hemmell

* Gideon Charpentier served part of the Third Day in the room of William Coltman.

1. **E**DWARD WELCH was indicted for that he, on the 4th of December instant, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, with force and arms, feloniously, wilfully, and of his malice aforethought, on one Margaret Lane, in the peace of God and our lord

lord the king, then being, did make an assault, and that he with a certain clasp knife, of the value of sixpence, which he in his right hand, then and there had and held, on the lower part of the belly of the said Margaret, feloniously, wilfully, and of his malice aforethought, did strike and thrust, giving her by such striking and thrusting as aforesaid, one mortal wound, of the breadth of one inch, and of the depth of three inches, of which mortal wound the said Margaret languished from the said 4th of December to the 6th, and languishing did live, on which said 6th day of December the said Margaret, of the said mortal wound aforesaid, did die; and so the jurors on their oaths say, that he, the said Edward, her the said Margaret, feloniously, wilfully, and of his malice aforethought, did kill and murder.

He was also charged with the like murder on the coroner's inquisition.

The case opened by Mr. Garrow.

ELEANOR BURKE sworn.

I live in High-street, Bloomsbury, No. 23. I am a married woman. I know the prisoner, and the poor woman that lived with him, Margaret Lane; they lived together as man and wife: I lived in the same house: they had lived there going on four months: they used to porter fruit in Covent-garden. I remember the prisoner coming home on Wednesday, the 4th of December, down stairs, without a bit of hat on his head, and with tears in his eyes, and he said, there now, this woman is not at home before me now; I said, she was not gone far, but went out for something she wanted; at the same time he said, I will do for her to night; says I, Ned, for Christ's sake do not have any words in the house to night; he said then, that he would do for her, and give her her guts for garters; he ran up stairs, and I heard the murder going on; I did not hear the woman come in; and I heard the woman crying murder as soon as he got up stairs; she kept crying murder, Nell Burke! mur-

der, Nell Burke! I listened still, and heard her speech getting very weak; I did not go at first, because there were often such cries; I thought he was beating her, or pulling her hair; then I went up into the room, and she was crying, Ned, my life! my life, Ned! and so on: on my opening the door, she was on the furthest side of the room; he was between me and the door; she was standing, leaning back, with her hands by her side, against the wall; he was standing staring in her face, close enough; he had something in his right hand, which I could not tell what it was; he had a candle in his left hand, and he was stabbing her in my sight, all the while before me, and also before I got into the room; I saw him stabbing her; and he said to me, what brought you here, you whore? I will serve you the same; when I saw the man stabbing the woman I got as soon as I could on the landing-place; I bawled out, murder! the woman is done for; then I called out, Mrs. Thorpe! Mrs. Thorpe! the woman is done for now: Mrs. Thorpe lived in the floor facing me: she sent me to the shop to get a man to go up; I could not get ever a man there; then I went to look for the patrol, and when I came back I found Mrs. Thorpe and the patrol at the door; I was not absent half an hour: we went up stairs in the prisoner's room, and found her on the flat of her back, on the floor; we all went into the room: the prisoner was standing on the landing place, in custody of a constable: I supported the deceased's head; I saw her guts out of one side: the poor woman said nothing to me, only to undo her stays and things, for she was swelling up so much, she said, and to send for the doctor, and the gentleman, the clergyman, that she should confess to him: as the prisoner was taking to the justice, he said to the deceased, "Peggy, was it not the scissars that did it, that were hanging to your side when I wanted to get the money out of your pocket?" and she made him no answer; and he said, "Peggy, will you not go to see me in the round-house to-morrow?"

morrow?" but she made no answer: she was laying on the floor, on the broad of her back: the wound was the right side of her belly: she was taken to the hospital about six o'clock; it was not full five when it happened: it was on a Saturday night, and she died on the Monday: they would not let me into the hospital: I saw nothing picked up in the room.

Mrs. THORPE sworn.

I lived in the first floor of this house: the prisoner and the deceased lived there together, as man and wife, about four months: I was sitting in my own room: my door was shut: I was at work: I heard desperate cries of murder, from the two pair of stairs back room, which was the prisoner's room; it was Hannah Lane's voice: I did not attempt to go out of my room, because they were very frequently fighting, and there were often cries of murder; Mrs. Burke went up, and she came down, and alarmed me; says she, Mrs. Thorpe, the woman is killed, come up for God's sake: I went up, and saw the situation she lay in: Welch was standing in the middle of the room, with a knife in his hand, and the deceased laying on the floor, and I ran down stairs, and got the assistance of the constables and patrol; and as we were going up the prisoner was coming down stairs; he had got down one pair of stairs: this had made a great alarm: I told him to go up stairs again, and not be a fool; I asked him how he could do such a thing; and he said, damn her eyes, it was her own scissars; then he returned, and went up first, and we followed him: the deceased was laying as we left her; we took up a light; I saw no other: he got in a little before me, and when we got in he was standing in the middle of the room, with a knife in his hand, which he threw under the table; and the deceased said, for God's sake, Mrs. Thorpe, fetch me a woman and a doctor; I saw her situation; she kept swelling very much; I cut her petticoat strings; she was not unlaced; the wound was in the right groin, the

lower part of the belly; and I saw her entrails very much out through the wound; the patrol took the man out of the room while we examined the body more; and I went for a doctor; but I was so frightened I could not get one at all: she kept swelling so much: the patrol cut her petticoats off: I desired Martha Reardon to pick up the knife, which she did, and gave it to me, and I gave it to the patrol; it was a pocket clasp knife, with a picked point; it was very bloody; the blood was wet upon it; she called out for a clergyman, for she was a dead woman; then she was taken to the hospital; I heard nothing more: I saw her no more.

Was the knife the same the prisoner had thrown away?—Yes.

Are you sure of that?—Yes.

Court. In undressing the woman did you observe any scissars by her side?—I did not.

Did she used to wear any scissars by her side?—I never saw any.

MARGARET REARDON sworn.

I lived in the same house; I went up into the room after the patrols took the man to the round-house: I picked up a knife from under the table; Mrs. Thorpe desired me to pick it up; I gave it to her, and she gave it to the patrol; it was full of blood; I did not take notice whether it was fresh or dry blood.

Prisoner. Have not you a warrant against me?—My husband has.

SAMUEL WRIGHT sworn.

I am one of the patrol. I went to the house. Mrs. Thorpe delivered me a knife: it has been in my custody ever since: I was before the magistrate, Mr. Walker: this knife was produced; the prisoner said, if he was hanged for it, this was his knife, several times.

(The knife produced; a large clasp knife with some blood on it.)

CHARLOTTE BARKER sworn.

The deceased had been to my sister's shop

shop for some potatoes ; I served her with some, and my sister served her with a penny candle ; in about ten minutes, to the best of my knowledge, I was alarmed with the cry of murder ; I saw the patrol coming, and I sent them up ; I followed them up stairs ; the deceased was sitting on the floor, with one knee up, and the other stretched out ; she asked me to fetch her a minister and a doctor ; I went down stairs, and fetched a surgeon, Mr. Cartwright, and I stood by one side of her, and I saw a pair of scissars lying fastened to the string of her apron ; I had seen the wound ; and I asked her if the scissars had hurt her ; she said, no, he did it with a knife ; the prisoner was then gone to the justice's : there was no blood on the scissars at all.

Court. Did she explain who she meant by *he*?—No, she did not ; she was very faint.

Did you repeat the question?—No ; I was glad to get out of the room.

JAMES PINNOCK *sworn.*

I am the constable ; I took the prisoner with the two patrols. She said, she wanted a woman and a doctor.

Mr. Garrow to Mrs. Burke. I believe you Irish women call a midwife a woman?—Yes.

Pinnock. The prisoner said he had been taking some money away from her, and the scissars had run into her side.

THOMAS CARTWRIGHT *sworn.*

I am apothecary to the united parishes : I was called upon to see the woman ; I found her lying on the floor, and a wound on the right side, on the lower part of the belly, and the intestine protruded about four inches ; I found the wound so small (being about an inch in length) I found it impossible to reduce the intestine without making the incision much larger ; I went to the hospital, and saw the intestine reduced.

Mr. Garrow. Now by the smallness of the wound, and by its size, could you form a judgment whether it had been made by a cutting instrument or by a puncture?—It

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appeared to have been made by a cutting instrument ; I saw the intestine at the hospital, and it was cut through, which confirmed my opinion, that the wound was made with a knife.

JOHN DINGLE *sworn.*

I am resident house-surgeon of the Middlesex hospital. I saw this deceased : there was a small wound made in the lower part of the right side of the belly, through which a considerable portion of the intestine had protruded : after this woman was considered by me in a dangerous state, and she so considered herself, she said to me that her husband had stabbed her with a knife, and before that he had struck her on the head with a small stick.

Who did she mean by her husband?—The prisoner. She died on the Monday morning ; the wound she had received was the cause of her death.

From the appearance of it, could it be made by the puncture of a pair of scissars, in a struggle between two persons?—In my judgment it certainly could not, as the intestine had been cut through ; I have no doubt but it was done with such an instrument.

PRISONER'S DEFENCE.

I had not seen this knife that was produced at the justice's for some time, the week before ; it did belong to me ; I had not seen it since Tuesday or Wednesday : on this Saturday morning I did work for Mr. Dumay, in German-street, at the Gun Tavern : I had not a load for this woman, for us both together, as usual ; on my return I had half-a-crown in my pocket, which I had earned ; I gave it to her to buy provision for the next day ; my small clothes were dirtied in carrying these things, and she told me I had dirtied them with a servant maid below stairs ; then I went with two bushels of coals, and returning back to my apartment I found my room door open, and nobody in the room ; I came down to Eleanor Burke, and asked her if she saw this woman ; I said, I had

B*

lost

lost many things, and should lose more; when she came in I gave her a box of the ear, and she fell right against the window; says I, what is the matter with you? says she, I am cut, I am ruined; and I missed my razors; I could not find them: we had sprats for dinner; and I found the razors under the pillow; she said, she had put them for me; she was repeatedly jealous of me; I turned her away, and she went to the people, and threatened to set the house on fire; and she made such a row that the people told me they would not be bothered about her.

The prisoner called one witness to his character.

GUILTY, Death.

GUILTY, on the coroner's inquisition.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

Proclamation being made, the Recorder passed sentence as follows:

Prisoner at the bar. You have been convicted after the patient hearing of a discreet jury, to whom you could make no objection, of the very heinous crime of murder; that you may make the best use of the short space of time that is allotted to murderers to remain among us, I announce to you the dreadful information, that the court are perfectly satisfied with the verdict of the jury, by which you are doomed to almost immediate death: bad as the crime of murder is in every case, your crime is highly aggravated by the consideration, that you by cohabiting with this woman, had taken her under your peculiar protection; the blow given by you to this woman is not only unlawful as a member of civil society, but it was disgraceful to you as a man; it was an attack made by the strong on the weak; it was an attack made by a man with a deadly weapon in his hand, on a poor defenceless woman; it was attended with a brutal ferocity, and accompanied with expressions that would disgrace the most ignorant and the most inhuman savage;

such as I shall not repeat, because they are too shocking for the hearing of such an audience: this, prisoner, was a conduct which nothing could justify or even mitigate, but a direct and violent attack on your own existence: your mind must have been callous to the feelings of humanity, and to the well-being of others. Let me most seriously now recommend to you, to pay some attention to your own welfare, and to your present situation, and to make the best use of your time; cut off from all hope in this world, if possible, to make your peace with God hereafter: and I, prisoner, pray to the Almighty God, that the execution which you are now about in a most publick manner to suffer, may become a serious example to deter others in future, who may be disposed to commit such violent outrages, against, and in defiance of, the laws of God and man, and to the injury of society. Nothing remains for me but that I pass upon you the sentence of the law; which sentence is, That you be taken from hence to the place from whence you came, and from thence on Monday next to a place of execution, there to be hanged by the neck until you are dead, and your body to be dissected and anatomized, pursuant to the statute in that case made and provided.

2. ROBERT JONES was indicted for stealing; on the 15th of November last, two bay mares, value 40l. the property of Joseph Kay.

JOSEPH KAY sworn.

I only prove the property: I know nothing of the robbery. On the 16th of November I was told that Spencer, my man, had lost his coach and horses, on the evening of the 15th, and that they had been stopped in Blackfriars-bridge, by the patrol, and that the person that drove them away was in custody.

JAMES SPENCER sworn.

I left my coach and horses at Bride-lane with

with the waterman, and gave him charge of them; I went into the publick-house, and when I came out the coach and horses were gone.

Where was this? — In Bridge-street, about half an hour after twelve; I heard of them, and I came to the watch-house at Blackfriars; a hackney coachman told me they were taken there.

JOHN SMYTHIES *sworn.*

I saw this gentleman, the prisoner, get on the box, at the corner of Bride-lane, in Bridge-street; he turned them about, and went across the rank to the other side of the street; I thought him an awkward driver, and took notice of him; I thought he had been a footman; I went along-side of him, to the corner of Earl-street; I said, halloo, my friend, what are you going to do with that coach and horses? he said, he was going to take up in Chatham-square; I stood still; I saw him making over Blackfriars-bridge, mending his pace; I ran after him, and hallooed out, stop that coach! as loud as I could; the patrol stopped him; and I ran up as fast as I could; I came up and said, he had stolen the coach and horses; the patrol said, will you give charge of him? I said, I would; I took the coach and horses, and the patrol took the gentleman to the watch-house; Mr. Kay's man came in about an hour after, and he owned them; Mr. Kay was not there himself.

Are you the waterman? — No.

Mr. Kay. My man went; he is not here: I did not see them till the next day, when Spencer brought them to my yard.

You swear them to be your property? — I do my lord.

Court to Spencer. Did you go to the watch-house? — Yes; directly; I was in the Borough when I heard it.

Were those the horses that you found there, the horses you drove? — Yes; I have driven them these three years; I took them to Mr. Kays, and put them in the stable; Mr. Kay saw them next day.

Jury. Is the waterman here? — No.

WILLIAM CASSIDY *sworn.*

I am one of the patrol; I stopped the coach; the prisoner was off the box when I came up.

PRISONER'S DEFENCE.

I was going to work, and I got up behind this coach, and somebody called stop, and the man jumped off the box, and they took me; that patrol is not the man that stopped me!

JOSEPH ROBERTS *sworn.*

I stopped the prisoner; he drew the coach up to the east side of the bridge, and jumped off, and left the coach and horses standing; he was on the box; I saw him jump off.

GUILTY, Death.

*Tried by the London Jury before
Mr. Justice ASHURST.*

3. **ELIZABETH OZELAND** was indicted for that she, on the 23d of November last, about the hour of twelve in the night, being in the dwelling-house of Peter Thirston, six pounds weight of silk, value 6l. one silk cloak, value 1s. a bonnet, value 3s. a pair of shoes, value 2s. a sheet, value 6d. in the said dwelling-house feloniously did steal, and being so as aforesaid in the said dwelling-house, and having committed the felony aforesaid, in the manner and form aforesaid, afterwards, to wit, about twelve in the night of the same day, the said dwelling-house feloniously did break, to get out of the same.

PETER THIRSTON *sworn.*

I live in Maidenhead-court, Wheeler-street, Spital-fields, in the parish of Christ-church. I am a worsted weaver. I lost the things in the indictment between the hours of six and ten, in November; I cannot tell the day of the month, but it was this day fortnight: the value of the silk I cannot tell; the master is not here; but I believe the value, as high as I can guess, is about

about nine or ten pounds: I saw the things at ten at night, and the next morning at six they were gone; I saw the things on Bet Ozeley's back (that is the prisoner) she was taken by the officer at Norton Falgate, last Thursday was a fortnight; she had my wife's cloak and bonnet on; I have known the prisoner above a twelve-month; she slept in the same room with me and my wife; she was a ~~weak~~ woman to my wife, a weekly servant; she went to bed when we went to bed; she blew out the candle; I cannot tell what time she went away; but the next morning she and the things were gone; she unlocked the door and let herself out; the key was in the door; my wife got up and locked the door after Bet Ozeley came in, and went to bed.

LETITIA THURSTON *sworn.*

I am wife of the last witness. The prisoner left work the afternoon before, at half past three; she told me she wanted to go for some work; she came home at seven at night, and brought home a new coloured apron; she said, mistress, will you let me have a drop of something to drink? this is my birth day; I said, neighbour Ozely, come, I hope it will be comfortable, it may be comfortable as we are old people, we will have a drop of twopenny together, that will comfort us both when we get into bed; I said, do not go down to open the door; but she did; and in the morning my chamber door was open: I got out of bed that very night for fear my door should not be locked, because I had a very great charge of my master Wilson's; in the morning I was told my door was open, by one Mr. Sawyer, who is not here; I saw my chamber door was open; I called, Bet Ozeley! Bet Ozeley! Bet Ozeley! my husband said, the woman is in a dead sleep; I missed my silk, and my cloak, and bonnet, and things; I found my cloak and bonnet on her when she was taken.

JOHN ARMSTRONG *sworn.*

On Thursday night, the 25th of No-

vember, I took the prisoner with this bonnet and cloak on; we never could find any thing of the silk.

(The bonnet and cloak produced and deposited to.)

ISAAC HEYLINS *sworn.*

On Wednesday morning, about eight o'clock, I went to work with John Smith, and going along he gave me a handkerchief, and I carried it to the prisoner, and she said, she knew it; and she tied up the silk in it, and gave it to me; I do not know what became of the silk afterwards; he gave me three guineas and an half to take to her; it was black silk; it was warped silk: I heard Mr. Wilson say at the office, he was the owner of it, and it was worth six pounds.

PRISONER'S DEFENCE.

I worked journey-work with Mrs. Thurston. My husband was abroad. This night was the 23d of November. I had been very early at work: I left off about four in the afternoon; I went out, had my supper, and went to bed; I was the last person that locked the door; and I believe about half after ten I was taken very ill; there was nothing in the house to drink, except water; I got up; I thought it was no harm to put on her hat and cloak, to go out; I went to the White Horse and had something; I stood by the fire, and warmed myself; when I returned I saw a bundle laying; it was black silk; I took it to John Smith; he said, it was worth five pounds, and if I would stay till the morning, he would get a man to buy it; this young man came to me, and brought a handkerchief, and I put the silk into it; he returned about three in the afternoon, and brought me three guineas and a half, and they charged me six shillings for their trouble: I did not think of being called up to day, or else I should have had witnesses.

GUILTY, Death. (Aged 42.)

Tried by the first Middlesex Jury before Mr. Justice BULLER.

4. JOHN

JOHN HETHERINGTON, alias **JOHN CHARLES BROWN**, was indicted for feloniously returning from transportation, and being found at large on the first of December, without lawful cause.

Prisoner. My lord, will you grant me one favour; I do not wish to impose on the understanding of your lordship, and the court, and the gentlemen of the jury, so far as to deny the fact, but there are such circumstances as will be proved in my favour on that head, that I wish to state them.

Court. You had better reserve what you have to say, 'till you hear the evidence that is given against you.

GEORGE ZEAL *sworn.*

I produce a certificate from Mr. Shelton, the clerk of the session of goal-delivery of this court.

(Read, dated 23d May, 27th year of his Majesty's reign).

I know the prisoner: I knew him in Newgate.

Mr. Knapp. My lord, it is an amparand in the indictment, and the word *and* at length, in the certificate.

Court. That will not do; for the indictment does not purport to be an exact copy.

Zeal. I remember the prisoner was ordered to be transported in May sessions 1787; he is the man: I was present when he was sentenced; I do not know what became of him since.

GEORGE LONGDEN *sworn.*

I was sent for to apprehend the prisoner, for house breaking, the first of December; I know nothing of the prisoner; I took him at No. 6, Sackville Street.

LEONARD DAVIS *sworn.*

I only went with the last witness and apprehended the prisoner, the first of this month.

PRISONER'S DEFENCE.

My Lord, at this time I am very sorry to say, I am a great way distant from my friends, or I could bring very sufficient

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affidavits to prove, that I did not return to this country with any bad intention; the only reason of my returning before the expiration of my time, on my conditional pardon was this, I had an uncle merchant in Charles Town, South Carolina, his name the same as my own, he left me one thousand pounds sterling, and he left a Captain Miller, who was his most intimate friend, his executor in trust for me, some time after I had been discharged from the hulks, at Langston harbour, in consequence of some good friends I had, at their intercession to his Majesty for me, I fell extremely ill, there was a surgeon of respectability, in this Metropolis, that made an affidavit which was presented to the Secretary of State, that I was incapable of going to undertake so distant a voyage as that, where I had to go to receive the legacy, in consequence of which, his Majesty was graciously pleased to grant me, one month after the first month's liberty in this country, and at the expiration of that month, I was then not able to quit this country, as appeared by the affidavit of another surgeon of the same respectability in this Metropolis, in consequence of which, I was apprehensive of the fatal consequences that might arise from my being found at large after the limited time for quitting this kingdom, I remained in secret at a confidential friend's house, 'till I was so far recovered as to go on board a ship, I then went to the Carolina Coffee-house, Birchin-lane, Cornhill; and I applied to a Captain of a vessel, and paid twenty guineas for my passage to Charles Town, South Carolina: I went cabin passenger with him: on my arrival there, to my very great discomfort and disappointment, I received the disagreeable intelligence of my Uncle's executor being gone to the East-Indies; and not finding employment in a merchant's counting-house, (for as I had received a liberal education, I should have been very happy to have engaged myself, even for my board) I was under the disagreeable necessity of returning to this country, with this, and this only view, which was to engage myself in the East-India Company's

pany's service, to go to any of their citadels in India, on board the first ship that was going; I applied to a relation several times, a gentleman whose name I would not wish to mention in this court, tho' I will prove it hereafter, who had the honor of being several years governor of Bencoolen, in the East-Indies, and I have received some promises, that I should have some kind of a birth to go on board the first ship he could get me fitted out in, and the greatest hopes I had of getting into the East-India service, was in consequence, that I had the honor of wearing a commission in his Majesty's service last war sometime, in which I spent five thousand pounds.

Court. Have you any evidence of all this? — (I could have had, had my trial been postponed a day or two, for I wrote on Monday last to some respectable people in the county of Leicester, but it was impossible for them to arrive in town before this evening; I do expect some relations of respectability by this evening's mail coach; I have nobody here at present. The late Duke of Rutland was my principal friend, under whom, I had two uncles commissioned officers, myself was ensign sometime, till I engaged with Lord Harrington; I was discharged at Dover Castle, that was the final close of my servitude in the army: my Lord I have omitted one thing; I obtained my liberty from the Hulks; I could have brought Mr. Wigley, a member of Parliament for the city of Worcester, and recorder of the place where my friends lived, and a Mr. Hulchen, one of the members for the county of Leicester, who could have proved that thro' his intercession with his Majesty and the Secretary of state, and the late recorder James Adair, there was a conditional pardon came for me; my hearing was so late last Saturday night, so late before I was committed here, and Sunday being no post day, I had no opportunity to send till last Monday, my friends could not receive my letter before yesterday: this very evening, I expect those friends in town, who could bring sufficient evidence, that I had a conditional pardon,

I did not break from the Hulks; I am here by necessity, not by inclination, and I entirely leave myself to the mercy of your lordship, on that head, and the gentlemen of the jury.

Court. What you state is no defence at all, and I am sorry to say, that what you have last mentioned is a reason for not believing the other part, for one of the gentlemen you have mentioned is certainly in town, and known to be so.

Prisoner. Might I send in two hours, to the Temple, to Mr. Wigley, the counsellor.

GUILTY, Death.

Tried by the first Middlesex Jury, before Mr. Justice BULLER.

5. The said JOHN HETHERINGTON was again indicted for feloniously breaking and entering the dwelling house of Mitchell John Baptist Dewenzel, Esq. commonly called Baron Dewenzel, between the hours of two and three in the afternoon, on the first of December; one Elizabeth De Petron, spinster, and Rebecca De Petron, a woman child of the age of nine years, being therein, and feloniously stealing one Marseilles counterpane, value 50s. the property of the said Baron Dewenzel; and one long cloak, value 50s. the property of the said Elizabeth De Petron.

ELIZABETH DE PETRON sworn:

I am employed by the Baron Dewenzel, who is now at Paris, to take care of his house and furniture, in Sackville street, No. 6; two gentlemen, one of which was the prisoner, came to the door with a double knock, the first of December; they asked if the house was to be let ready furnished; I said yes; I took them into the parlour, they liked every thing very well, and asked to go up stairs, they went into the drawing-room and back room, and two pair of stairs; the prisoner went up stairs with me into the garret, and the other remained

mained in the two-pair of stairs back-room ; the prisoner staid there, and talked with me and settled with me about the rent.

Court. What was to be the rent ?—I asked him seven guineas a week, and he offered me six guineas and a half, and was to call again the next day ; the other man not coming up gave me a suspicion,

Did you understand from them, if they hired it for themselves, or for another person ?—I asked him if he was the gentleman himself ; he told me no, he was employed for a gentleman about one hundred and fifty miles off in the country ; we came down together, the prisoner walked before me, and I observed the parlour-door that I left open was shut ; it was locked, and the key gone, and the street door half shut and half open ; I ran and shut the street door, and put my foot against it, and seized the prisoner by the collar, and told him he must give me an account of the other person that came along with him ; at the same time I knocked with my heel for the little girl, and she came up, and he was beating me with this stick (*produces one*) on my head and my shoulders ; then I took the stick from him, and with his fist he knocked all my teeth down ; she came up, and saw me all in blood ; I told her to call the people at the next door ; she went out and left the door wide open, and the servants next door came in, and seized the prisoner ; they were a man and maid servant, and the woman took the stick from me ; the parlour door was broke open, and there was a white Marseilles quilted counterpane gone, and a great long cloak made of padusoy, and a pair of gloves, and a pocket book ; the counterpane and long cloak were worth five pounds ; I never saw the things since.

ROBERT BURLEY *sworn.*

I heard the noise in the next house ; I went and found the door of No. 6, next door to me, wide open ; as soon as I got in I saw the last witness and the prisoner, she had hold of him by the collar, at the back of the staircase, and kept crying out murder, and said, that was the man that had treated

her ill, desiring I would lay hold of him, and take care of him ; she was all over blood, all the front of her handkerchief and her head covered with blood ; her head behind was cut through with the violence of the stick ; I saw the stick, which the woman that came in directly after me had in her hand ; that was the first I observed of the stick ; I was present at the breaking open the door, it was locked, and the key was gone.

MARTHA SPOONER *sworn.*

I heard the cry of murder, I went to the next door and found Elizabeth de Petron all over blood, her hair and face, and all down her handkerchief, and this stick which I took out of her hand ; she said the prisoner was the man.

(*The stick produced and deposited to by Mrs. De Petron, being a bamboo with a loaded head.*)

Prisoner. I beg leave to ask two or three questions ; whether on my entrance into the house, I did not, previous to that knock at the door, and she let me in ; whether I treated her with any incivility, and did not behave with the greatest politeness, till we came down stairs ?—Yes.

Prisoner. Whether or not I had any acquaintance with the person that followed me in, and whether he did not pull off his hat in the passage, and hang it up in the passage ; whether I ever spoke to him or he to me ? next, which is the last favour, please to ask her whether I offered to strike her till she first assaulted me, by seizing me by the collar of the coat, and charging me with what I was perfectly innocent of ? if I had time I could produce the gentleman that sent me there to enquire after a ready furnished house for six months.

Court. The two men came in together ?—Yes.

Did both of them speak to you ?—When they knocked at the door they asked if the house was to be let ; they both went into the parlour, and said it was a pretty parlour ; they both went up one pair and two pair of stairs ;

stairs ; only one spoke to me, the other never spoke a word to me.

Did this man speak to the other at all ?—Not that I know of.

Did the other man go up stairs with you ?—Yes ; they both said it was a pretty parlour.

Prisoner. My Lord, I hope you will hear the truth : I had no intention, as I hope for mercy at a future day from my great Creator, of committing any violence or depredation whatever ; I went with this only intention of enquiring what the rent might be, and to know how many rooms there might be on a floor, and what situation the house was in ; with respect to the furniture, I never spoke to the man, nor had I any previous knowledge of him, nor did I speak to him in the place ; I presumed from his following me in at the door, that he belonged to the house ; not speaking to the gentlewoman that let me in, or to me ; I neither took any thing, nor attempted to take any thing from the place, nor was it my intention ; and further, the only reason of my striking that gentlewoman was in consequence of knowing the awkward predicament I stood in, being a returned convict, before the expiration of my time ; and I did not know in what manner to extricate myself from her hands, she having her thumb through the button-hole of my coat ; my only apprehension was, I thought I might be taken before a magistrate, and known by those sort of people who make a trade of living on human blood, and of detecting unhappy and unfortunate men for a reward.

Mrs. De Petron. The cloak was my own, and the counterpane belonged to a family that lodged last winter in our house.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

Court to Prisoner. After what has passed at this trial, it is impossible for you to expect mercy on any terms whatever ; upon the

first case, though one could not help suspecting all that you said to the Jury was destitute of foundation ; and the more so, because you shewed by your conduct, that you were very well practised in the arts of this place ; not contented with stating facts which might be easily proved, you artfully laid by to throw in some suggestion after I had stated the case to the Jury ; and you have done the same on this second trial ; and it is now too apparent, that it will be injustice to the public, ever to suffer you to be at large again to commit such depredations on them.

Prisoner. My Lord, I humbly beg for mercy.

Court. Take him away.

6. SAMUEL WITHERS was indicted, for that he, on the 4th of November last, feloniously and falsely did make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and willingly act and assist in the false making, forging, and counterfeiting, a certain order for the payment of money, dated 4th November, 1795, with the name W. Buller, thereto subscribed, purporting to have been signed by Wm. Buller, Esq. ; and directed to Francis Biddulph, James Cocks, and Thomas Somers Cocks, and George Ridge, by the name and description of Mess. Biddulph, and Co. for the payment of the sum of sixty pounds, to bearer, with intention to defraud the said Francis Biddulph, James Cocks, Thomas Somers Cocks, and George Ridge.

A second count, for uttering and publishing as true a like forged order for payment of money, knowing the same to be forged, with the like intention.

A third and fourth count, for forging and uttering a like order, with intention to defraud Wm. Buller, Esq.

JAMES WINDOW sworn.

I was clerk to Messrs. Biddulph, and Co. on the 4th of November last. The firm of the

house is Francis Biddulph, James Cocks, Thomas Somers Cocks, and George Ridge. William Buller, Esq. kept cash in our house, on the 4th of November last; on that day, about eleven o'clock, the prisoner brought this letter to our house, it was opened by one of the partners, and afterwards brought to me; I asked the prisoner if he had a draft agreeable to the letter, which was fifty pounds; he said he had not, but should bring it in the afternoon; and about one on the same day the prisoner brought a draft for sixty pounds; I asked him how he would have it, in bank notes or in money; he said, the whole in cash; in the mean time we suspected it to be a forgery; in consequence of that suspicion, I desired the prisoner would sit down a little; when the draft was presented, myself and one of the partners asked him what he was, and who he was; he said he was a servant under the steward or butler, at the house of William Buller, Esq. and had been there about a fortnight or three weeks; that Mr. Buller was unwell, and he brought the letter from the butler or steward; I told out the sixty pounds, and put it into a bag, and it was determined to send the prisoner in a coach, with one of the clerks and a servant; I did not go.

You are acquainted with the character and hand-writing of Mr. Buller?—Yes; I have frequently seen him write, neither the letter nor the draft are his hand-writing.

(The letter read.)

Addressed to Messrs. Biddulph, and Co. Charing-Cross.

"Bryanston-street, Nov. 4th.
"I have sent my servant the *Barrow* for fifty pounds; in the afternoon you will be so kind to let him have the cash. You will oblige W. Buller."

(The draft read.)

"Nov. 4th, 1790.
"Messrs. Biddulph and Co. Pay *Barren* on demand the sum of sixty pounds,
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"and you will oblige your humble servant, "W. Buller."

Mr. Knowlys. Did you see this letter delivered?—I saw the prisoner bring a letter, and I directed him to give it to the other side, for it to go up stairs.

Court. Who did you order to carry it up stairs?—I do not immediately recollect which of the clerks it was.

Mr. Knowlys. Did he stay for an answer?—Yes, I suppose five or six minutes, before the letter was delivered to him.

You have seen Mr. Buller's hand-writing?—Yes.

You could have no doubt that this did not come from Mr. Buller?—Certainly not.

Nor any body in the house?—No.

Was he stopped or told of any suspicion?—No.

Mr. Knowlys. Was this letter ever shewn to the prisoner, and acknowledged by him to be the letter he brought?—I cannot say. Is there any other Mr. William Buller that keeps cash at your house?—No; none whose Christian name begins with W.

Is there no other person interested in the house but these four gentlemen?—Not that I ever heard of; I have been there twenty years.

The prisoner said in the shop very composed?—Quite so, and answered a number of questions.

Was you present at the examination in Bow-street, when he gave an account of this?

Mr. Garraw. I submit what the prisoner said cannot be made evidence.

Mr. Knowlys. This young man was taken to Bryanston-street in a coach?—Yes.

Was any person sent from your house to look after any body in the neighbourhood of the Park?—I rather think not.

Mr. Garraw. When he stood in the shop with great composure, he was expecting to receive the cash, I suppose?—Yes.

EDWARD LAVENDER *sworn*.

I am clerk to Sir Sampson Wright; I
D was

was present when the prisoner was brought there; the examination of the prisoner was taken in writing by me, during which the prisoner whispered to me, that he wanted to go to the door; I told Mr. Bond his wishes, and he desired him to go into the back-room, instead of the door; whilst he was in the room, Mr. Bond desired I would search him; upon the prisoner hearing what he had ordered, he pulled out his handkerchief and gloves, and threw them into the window, and from the handkerchief or the gloves, I am not certain which, this paper dropped; I immediately picked up the paper and saw what it was, and then recollected that the prisoner had frequently told Mr. Bond he could not write; I laid hold of him by the right hand, and on the middle finger was the mark of ink very fresh, and the writing was very fresh: the examination was not signed by him. (*The paper read.*) "Nov. 4th, 1790. Messrs. Bidulph and Co. Pay *Barrer* on demand the sum of eighty pounds, and you will oblige your humble servant, J. or W. Buller." in the same way as it is in the draft; at the bottom, "Messrs. Bidulph and Co. Please to pay *Barrer* on demand eighty pounds, and you will oblige your humble servant, W. Buller;" on the back "Messrs. Biddulph and Co. Charing-Cross." The prisoner was committed.

Mr. Knowlys. What time was the prisoner committed?—About two o'clock.

Do you know that any person was sent to the Park?—I believe there was not.

PRISONER'S DEFENCE.

A man gave it me at the Horse Guards.

The prisoner called four witnesses, who all gave him a very good character.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

He was humbly recommended to mercy by

the Jury, on account of his good character prior to this transaction.

7. SARAH CAREY was indicted for stealing, on the first day of November last, two striped bed curtains, value 10s. the property of Abbot Kent, and Joseph Luck.

JOSEPH LUCK sworn.

On the 1st of November, I missed an article out of my house, a remnant of dimity: the prisoner was suspected of taking it; I went to a pawnbroker's to enquire for this dimity; I enquired if he had any other articles that the prisoner had pledged there; he produced two Manchester bed curtains; they are here; I am sure they are my property.

JOHN CROUCH sworn.

I produce two curtains the prisoner pledged with me on the 23d and 24th instant; they were pledged for eight shillings.

(*Produces them.*)

Mr. Luck. They are my property; I have the two fellows to them in Court.

THORN sworn.

I am foreman to the prosecutors.

(*Looks at the property.*)

PRISONER'S DEFENCE.

I carried them to pawn for a person that lodged at the same house where I do.

GUILTY.

Imprisoned six months, and fined 1s.

Tried by the London Jury before Mr. Justice ASHURST.

8. ANN GRIFFIN and MARY GORMAN were indicted for feloniously stealing,

stealing, on the 8th of November, in the parish of St. Giles's in the Fields, seven yards of printed calico, value ros. the property of Thomas Clarke, privately in his shop.

THOMAS BOYD *sworn.*

I live with Mr. Thomas Clarke, a linen-draper, in High Holborn; on the 8th of November, about seven o'clock in the evening, there were seven yards of printed calico taken away out of the shop.

Who were in the shop?—There were two shopmen, and an apprentice, Mr. and Mrs. Clarke.

Did any customer come into the shop?—There were no customers came but the two prisoners; they came into the shop and asked for some linen cloth for shifts; Mr. Clarke served them, I went to the other end of the shop with some other customers that came in a little after; Mr. Clarke to me, and asked me if I supposed the prisoners had got any thing.

How came Mr. Clarke to come over and say that to you?—I suspected them from their very first entrance.

Had you made any signs, or said any thing to Mr. Clarke, to let him know you suspected them?—No; but he thought I had a suspicion of them by my looking at them; I told him that I thought they had taken something, and with that he sent for a constable who came and found the property upon them; the property is in the constable's possession; the constable's name is Tredway.

EDWARD TREDWAY *sworn.*

Where did you take that property from?—I took it from under the petticoats of Ann Griffin.

(The property produced and deposited to.)

Court to Boyd. Do you know whether that was in the shop, or on the counter that evening?—I cannot positively say.

How long might they be in the shop?—About a quarter of an hour, or better.

You had suspicion of them when they

first came in; you said you watched them then?—I watched them all the while, but did not see them take any thing.

Who asked for the linen?—I cannot positively say, Mr. Clarke can say.

What is the value of that linen?—Ten shillings.

MARY GORMAN's DEFENCE.

I was going into the shop, this young woman had been in before, and had asked to look at a piece of cloth to make her a shift; I came in, and Mr. Clarke sent for a constable, and found this linen upon this girl; that is all I know about it.

Court to Boyd. Did Mary Gorman come in the same time with Ann Griffin?—At the very same time; they appeared in all respects to belong together; they talked together, and even Mary Gorman lent the other eighteen pence to pay for a yard and an half of calico which Griffin bought, it came to half a crown, and it was put by for her in the name of Mary Jones; and Gorman advised Ann Griffin to go home and get another shilling, and she said she would not go home till she went with her, or words to that meaning.

The prisoner Gorman called two witnesses to her character.

MARY GORMAN,

aged 21;

ANN GRIFFIN,

aged 14;

GUilty, Death.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

9. **STEPHEN HUNTER** was indicted for burglariously and feloniously breaking and entering the dwelling house of Elizabeth Brown, about the hour of seven in the night, on the 28th of November last, and burglariously stealing therein, three linen sheets, value 3s. and a half cotton shawl, value 6d. the property of the said Elizabeth.

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ELIZABETH BROWN *sworn.*

I live in a place called Orange-court, in Bow-street, I have lived there almost twenty years; on the 28th of November I went out about six o'clock in the evening, to St. Ann's church, to evening prayers, and returned about four or five minutes after seven, and just before I came into the court, I met a tall thin man, he appeared to me to be in black, and when I went into the court, I met a little short thick man with a white coat and a white apron; I passed by him and gave him the wall, and went on; as soon as I came to my first window, I found it was broke open.

Had you fastened them when you went out?—I fastened them before I went away, and locked my door; I bolted my window about five o'clock.

How was it broke open?—It was pulled open, and the bolt fairly off, and the window was open; there were six panes of glass in the half sash, and it was fairly open.

Was the glass broke?—No, the glass was not broke.

How could they pull the window out without breaking the glass?—They pushed the window up, and left it wide open; I went and opened the street door, and unlocked my parlour door, and the people in the kitchen brought a light, and I missed three sheets immediately, and a shawl from off the line.

What reason have you to impute this to the prisoner?—He was the person I saw in the court.

You are sure?—Yes, I am.

Was there light enough to describe by a certainty that he is the man?—I met him just by the lamp, and gave him the wall, and was going to speak, but was afraid.

Did he appear to have any thing on him at the time you met him?—Nothing at all.

Did you hear of your property again?—I did, last Thursday was a week, a person came and told me it was in the advertisement.

Mr. Knowlys, Prisoner's Counsel. You say, as you was coming home, you met a

person, but you declined speaking to him?—Yes, I did; he was a tallish man which I met first, and when I went a step or two farther, I saw the prisoner.

Had you ever seen him before?—I had not.

Therefore you had no reason to remark the man?—No; still I thought it odd for one man to come before, and another behind.

You never had seen them before?—No, never in my life.

This was on Sunday?—Yes.

Are you sure it was so late as five o'clock in the evening?—It was six o'clock when I went out, and I came back a little after seven o'clock.

Had you left any body at home?—Yes.

How many persons had you left in your house?—Nine persons; there were people in the kitchen, in the one pair of stairs, and two pair of stairs.

What are they?—They were all married people, and all of them got husbands living with them.

You have not a single person in your house?—No.

Did you call to any of these persons to shew them how your shutters had been broke?—I did; the people of the kitchen came up; I cried out, my God, my God! what have you let me be robbed?

Did you let no one else know immediately that you was robbed?—Yes, I told it to another woman who lives in my house, who has got an husband; he does not come home to sleep.

How soon did you tell her?—Directly.

Have you any of these persons here that you gave the alarm to?—No, none.

Then whether you went out earlier or later, we must rely on yourself for the truth of it; do you know it makes a difference as to this charge, whether it is done in the light?—It was done when it was dark.

Do you know that it is a capital offence if the matter is done when it is dark?—Yes.

That it is a burglary then?—Yes.

Then in this house of yours, there are nine people living in it, they are all married women,

women, and it is not true that your house is visited by people not married?—Sometimes servant maids, out of place, are there a week or two, till they are provided.

Has there never been any enquiry at your house after young apprentices that come after single women at your house?—No, never.

Was there never an enquiry after an apprentice of the name of Levi, whom it was said was concealed in your house?—Not that I ever heard of.

Do you know a man of the name of Holmes?—He has never been above two or three times in my parlour.

You knew him?—I believe my daughter knew him.

He visited your daughter at your house?—No, not in my house; I did not admit him into the parlour above two or three times in my life.

If he did not come into your parlour, he came to your house, did not he?—Yes, but he used to stand at the door, or in the entry; he never spent a pot of beer in my house in his life.

What became of that Holmes?—He is in Newgate, under sentence of transportation.

Was there a man of the name of Mantondillon that used to come to your house?—Yes.

Was there a man of the name of Roberts?—Yes.

And he happened to have the same good luck as Holmes: how long was you acquainted with that man?—I was not acquainted with him; when he came to me, I had a very honest character with him, and he kept to his work, and behaved very honestly while with me.

Was you never called to account about a pair of silver buckles?—Never in my life.

Are you a married woman?—No, I am not; I am a widow, and have been for this six years.

SAMUEL ARBOR *sworn.*

I know nothing of the robbery: I helped to take the prisoner: on the 28th of November, between the hours of eight and

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nine, I and three other officers that are here were out, as we go out sometimes of a night, and we stopped at a suspicious house; we had stopped there for the space of four or five minutes; and I saw the prisoner at the bar come out with a bundle; we asked him what the contents of that bundle was; he told us it was sheets; we asked him whose property it was; he said it was his own property, and he had it from his mother; he after that said it was his landlady's property; he said then it was the property of his wife, and she had had them before she was married to him: we hearing him tell so many stories, took him from thence to the watch-house.

JAMES SHAKESHAFT *sworn.*

Produced the sheets, and confirmed the evidence of Samuel Arbor.

The sheets deposed to by Mrs. Brown.

Court to Mrs. Brown. What is the usual time of prayers?—Six o'clock.

How long does it last?—Till about seven.

The prisoner called William Hunton, his uncle, who gave him a good character; as also William Stephenson, Samuel Wizard, and Jane Harris; which last witness said that the prosecutrix was a great corruptor of youth; and her daughter is now in Newgate.

GUILTY, Death. (Aged 22.)

Tried by the second Middlesex Jury, before Mr. Justice ASHURST.

10. SAMUEL CLEWES and **HENRY WATSON** were indicted for feloniously stealing, on the 2d day of November last, 24 yards of silk ribbon, value 10s. the property of Francis Thompson, privily in his shop.

HENRY WATSON *sworn.*

I am shopman to Mr. Francis Thompson. On Tuesday, the 2d of November, between 10 and 11 in the morning, a con-

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stable

stable brought a boy to Mr. Thompson's shop, who is an evidence; the constable put some ribbons on the counter, and asked me if they were mine; I looked at them, and one of the pieces had my mark, D. E. and T. underneath it: we went to the justice, and found the two prisoners there; and I swore to one of the pieces, and one other piece, which Mr. Cummins produced, which he had in his possession, which I also knew, and which was marked: I know nothing more about it; I never saw either of the prisoners in our shop.

JOHN CUMMINS *sworn.*

I am a coachman: I was going to my stable the 2d of November, and I saw the two prisoners and the accomplice cross the street; it was on a Tuesday; they run down Little Russel-street, towards the Pied-Bull yard, where there is no thoroughfare; in Russel-street I saw them partly concealed in a stair-case that leads to a coachman's room in Little Russel-street; I bid them come down; they made no answer; I went with Mr. Davis and the witness, and took them in the stair-case; we took them up stairs to search them, and going up stairs I saw 6 rolls of ribbon on the side of the stairs where the prisoners had been; I took the ribbon, and put into a basket, which I had in my hand; and, with the assistance of Mr. Davis, I took the prisoners to the justice: I gave 5 pieces of the ribbon to Edward Treadway; he is not here; he had them about 9 hours; Davis kept one piece till that evening, then I called for it: the pieces I received from Treadway are the same in number, but I did not mark them before I gave them to him; I did when he brought them back; I believe them to be the same; I produce them: I took the ribbon to the prosecutor's, and Watson said he could swear to it; the prisoners said they found the ribbon among some bricks, in a square.

WILLIAM DAVIS *sworn.*

I am a linen-draper: on the 2d of November I was going down Russel-street; I

perceived the two prisoners, and the evidence, running on the opposite side of the way; under Clewes's coat I saw a large lump; I suspected them; they occasionally looked back; I immediately ran after them, and with the assistance of this coachman we took them in a stable-yard, and carried them to the justice: Mr. Thompson's shop is in Oxford-street, nearly opposite Bond-street: when I saw them running, they were in Russel-street, Bloomsbury, half a mile off: I saw the coachman take up these six pieces of ribbon; I took one of the pieces, and gave it to my servant, to find out the owner; and in the evening I gave it back to the coachman: my servant is not here: I have no doubt of my servant's fidelity, and believe he returned me the same ribbon again; I have not a doubt but it is the same; but I could not positively swear to it, having been out of my custody: the accomplice is not here; he is in some prison.

JANE SWEETING *sworn.*

I am servant to the prosecutor: I was in the shop; two persons came into Mr. Thompson's shop, and asked to look at some narrow ribbon; it was about half past eight in the morning of Tuesday the 2d of November; nobody was in the shop besides myself: they desired to see some narrow ribbon; I shewed them some; they came in together; but did not talk together; the evidence was one that came in, and the prisoner Watson; Clewes did not come into the shop; the evidence desired to see the ribbon, and then to see some broader; I asked him 4d. and he offered me 2d.; I did not miss any ribbon, only from information; the boys were both within the reach of the drawer; I put it on the counter; I did not suspect them.

Court to Henry Watson. Did you see these people in the shop?—No.

How did you know any ribbon was missing?—I looked in the box when the constable came back, and found some pieces missing; it is a box that shuts into the counter; there is only one box of black on that

that side of the shop where the young lady serves; and these ribbons were black. (*The piece of ribbon produced by the coachman, and deposited to by Watson; and another piece, marked U. T. and T. underneath.*) I have sold ribbon with such marks; the mark of the others is rubbed out.

WILLIAM ALLEN, otherwise EVANS.

How old are you?—I want three months of thirteen.

Did you ever take an oath in your life?—Yes, I believe I was sworn before the justice; I did not know what I was saying, but they gave me a pen and ink just to put my cross.

Do you know the nature of an oath?—No.

Do you know what will become of boys that tell stories?—Yes.

What?—Go to hell; is not it?

WILLIAM ALLEN, otherwise EVANS, sworn.

The prisoner, Samuel Clewes, asked me to take a walk, and where I was going; and he told me to go into a ribbon-shop, and if I could steal any thing, to do it; and Clewes was to stay on the outside, and receive it: I went in, and the little one (Watson) followed me; and when the lady turned her back, the little one bid me take something, and I took some ribbon; the big one told him what I was to do: the lady asked 3d. a yard, and the little one bid her 2d. and she said she could not take it, and we went out of the shop; the little one took three pieces of ribbon; he told me to take one: when the lady turned her back, he said, take some, and I took one piece; that was all that was taken, I am sure of that: we three went to another shop, and the little one took two pieces at another place; but the lady would not swear to them; the big one was ready to take the four pieces when we came out of the shop; the big one took them of us, and ran as hard as he could; it was about half after nine; we were running towards Shoreditch, to Bishopgate-street; a coachman was going by, and said we were thieves, and he and ano-

ther ran after us; we ran up into some stairs; we were taken there; Clewes put the property by the side of the staircase.

Prisoner Clewes. Allen, or Evans, what is your name; did ever I send you into any shop to steal any thing?—Yes.

Prisoner Watson. Did I take any thing?—Yes.

Court to Jane Sweeting. Did the conversation pass between the accomplice and you, or the other boy?—With the accomplice, that I can say with certainty; they came in at one time, I am sure of that.

PRISONER CLEWES' DEFENCE.

I was going an errand, and coming back I met these two boys, and the two gentlemen ran after us, and I went up stairs with them; and he threw down the ribbon on the stairs; I did not know he had any such thing about him, and I never was in the shop; I lived seven years with my master.

PRISONER WATSON'S DEFENCE.

I was sitting at my mother's door, and Evans asked me to go with him to buy a hatband; he went into this shop; I thought he bought one; he came out, and I saw him chuck the ribbons down in the staircase; I did not see him take any thing.

Court to Watson the Witness. What is the value of that piece of ribbon that is identified, which Cummins produced?—There are about 16 yards, at 9d. a yard.

The prisoner Clewes called four witnesses, and the prisoner Watson called three witnesses, who gave them a good character; and the last witness, Elizabeth Barnes, said she knew the prisoner Watson before he was born.

BOTH GUILTY, 4s. 10d.

Each transported for seven years.

Tried by the first Middlesex Jury, before Mr. RECORDER.

Mr. JAMES BOND was indicted for stealing, on the 4th of November last, one woollen-cloth coat, value 5s, three silk waist-coats,

coats, value 6s. one silk and cotton waistcoat, value 2s. two pair of leather boots, value 5s. and one pair of leather saddle-bags, value 2s. the property of George Forrester, Esq;

GEORGE FORRESTER, Esq; sworn.

I live in Inner-Temple lane: I cannot exactly tell the time the things were lost; I went out of town the latter end of June, I returned in November; on my return I missed the articles in the indictment.

How soon did you recover them?—I came to town on a Friday, and on the Sunday following the prisoner was taken, and part of the property was found upon him, a coat and a black silk waistcoat; nothing else was found but a duplicate in his box, in the room which he slept in, in my chambers, when he lived with me; we found some other duplicates at a place where he lodged; he was in my service, but I had discharged him before I went out of town; I missed nothing then; when I went out of town, I desired him to give the key to the laundress: I went with Jealous and the prisoner to his lodgings; the prisoner had the key in his pocket; we found the saddle-bags there, and in the saddle-bags there were duplicates of the things which are here; the duplicates were delivered into the hands of Jealous.

ELIZABETH CHIPP sworn.

I am laundress to Mr. Forrester; he went out of town in June, and left the key with the prisoner; in about a week afterwards he gave me the key; I did not know he was discharged; and about a week or fortnight afterwards he came to me for the key again; he never returned it to me again; he had it when he was apprehended.

CHARLES JEALOUS sworn.

I apprehended the prisoner, in Ram-alley, Fleet-street, at a public-house; I took him to Mr. Forrester's, and took off his back a waistcoat, a coat, and a shirt (*produces them*): I went to the George, in Chapel-street, Oxford-street, to the prisoner's lodgings; I found a pair of saddle-bags,

and a pocket-book with some duplicates in it, and in the saddle-bags the key of the chambers; I marked the key, and gave it to the laundress; I went to the pawn-brokers, and got the things; I have three duplicates; they were taken from the saddle-bags (*produces the duplicates*).

HENRY HOWELL sworn.

I am a servant to Mr. Jones, a pawnbroker, in Fleet-street; I produce a pair of boots, pawned on the 10th of July; I do not know the person that pawned them, but I believe it to be the prisoner; I gave him a duplicate.

(*The duplicate shown him.*)

Howell. It is my hand-writing.

JOHN CAHUAC sworn.

I am servant to Mr. Woodin, pawnbroker, in Drury-lane; I produce two waistcoats, one silk, the other silk and cotton; I received them of the prisoner; I had seen him several times before; I gave him a duplicate. (*The duplicate shown him.*) These are the duplicates I gave him; these are my hand-writing.

EDWARD FOSBROOK sworn.

I live with Mrs. Cooper, pawnbroker, in Wych-street; I produce a pair of boots, and a silk waistcoat; the prisoner pawned them; I knew him before; I gave him two duplicates. (*The duplicates shown him.*) These are my writing.

Court to Mr. Forrester. Who did you give the duplicate to, that you took out of the box?—I do not know what became of it.

(*The property deposited to.*)

Prisoner. I have nothing to say.

Mr. Forrester gave the prisoner an exceeding good character.

Mrs. Chipp. I have known him near five years; he always bore a very good character.

GUILTY.

Transported for seven years.

*Tried by the London Jury, before
Mr. RECORDER.*

12. JOHN

12. JOHN HYSEN was indicted for stealing, on the sixteenth day of November, two shillings, the monies of Richard Wakelin.

RICHARD WAKELIN *sworn.*

I am a sawyer, a labourer; I was going home on the sixteenth of November; and a woman came up to me in Long-lane, and took hold of me; I desired her to go about her business; at that time the prisoner and six or seven more came out of a sort of a gateway; and they held me; they lifted me from the ground, till the woman picked my pocket; the prisoner held my arm fast; he had hold of me about the space of a minute; he said nothing to me; he had a round hat on; I never saw him before; while they held me, a woman picked my pocket of two shillings.

Where was your money?—In my breeches pocket, it was all; I had leather breeches on; almost new; the flap was buttoned; the woman unbuttoned my flap; and I felt her take the money; I never got my money again; the prisoner was taken directly by the patrols; I gave an immediate alarm; I never lost sight of the prisoner; the woman escaped, by one of the patrols being knocked down; another patrol came up, and the prisoner was taken; there was a lamp not far off; this was by a dead wall; I pursued him to Smithfield, and never lost sight of him; it was not moon-light, but very clear.

HENRY RICE *sworn.*

I am a patrol, belonging to St. Sepulchre's: my fellow servant and me went our usual round; and opposite Long-lane, we saw a man and a woman, and several men together; we went into Long-lane; the prosecutor shewed me a woman, down by Smithfield Bars, whom he said he could swear to; the woman was wrested out of my hands; I saw the prisoner in custody of my fellow servant William Porter; I was gone about a minute, to fetch the woman; the prosecutor was a little in liquor.

NUMB. I. PART I.

WILLIAM PORTER *sworn.*

At half after eleven, the sixteenth of November last, I heard a noise; and saw a large party, which made off on seeing us; my fellow servant was knocked down, and the prisoner jumped on my back, to throw me down; I hit him with the stick; he tried to twist it out of my hands, but could not; I made a blow at him, and took him; the prosecutor was present, and said the prisoner was one of the men, that held him up by the arm, while the woman robbed him; I took the prisoner to the watch-house.

PRISONER'S DEFENCE.

Coming across Smithfield, there was a mob, and they took me to the watch-house. Court to Porter. Was the prisoner searched?—No; nor the woman.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

13. WILLIAM HARROLD was indicted for burglariously and feloniously breaking and entering the dwelling-house of Edmund Rabbats, at the hour of eight in the night, on the second of December, and burglariously stealing therein one boiling copper, value 10s. belonging to him, and being a certain utensil fixed and fastened to the said dwelling house of the said Edmund, he the said William having no title, or claim of title thereto; and one iron nozzle of a leaden pump, belonging to the said Edmund, fixed and fastened to his dwelling house.

EDMUND RABBATS *sworn.*

I live in the coal yard, St. Giles's; on the second of December, my house was robbed about eight at night, the yard was open, the pump and copper stand in the yard; I charged the prisoner, on information,

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tion,

tion, having missed the things in the indictment: Mr. Taylor found the nozzle of the pump in the prisoner's possession.

JOHN TAYLOR *sworn.*

The night of this robbery, Mr. Rabbats was at my house at the time, and about eight there was a message sent to inform him of the robbery; I went with the prosecutor to his house, and found the things gone, the handle of the pump broke off; the leaden nozzle twisted off, and the iron rod taken out of the bucket of the pump; we looked round to see if we could see any body, but in vain; I took him to the watch-house, and asked if he had any accomplices; he said he had none; I made him no promises; he said the nozzle of the pump and the iron work he had sold to Mr. Herbert, one of the witnesses, for seven pence, and he asked him if he would buy a copper, and he said yes; and that he carried it to Mr. Harp.r, who would not buy it, and that he sold it at another place for three shillings and four pence; I took him to Litchfield street: a search warrant was granted, but I could not find the copper there.

Prosecutor. The nozzle is like mine, but one may be like another; it is about the size of mine; I never compared it.

Taylor. I have tried it: it fits, I know the nozzle, for I am the plumber that made the pump.

JOSEPH HERBERT *sworn.*

I cannot say I know the prisoner, some person brought me the nozzle of a pump to sell; I am not certain sure, but I really believe that is the man that stands there.

ELIZABETH GRADY *sworn.*

I locked the door, the middle of the day, and the copper was in the place.

PRISONER'S DEFENCE.

I was coming home that night; I came into the yard; I heard the copper was stolen, the day after I was hard at work in my father's shop in the house, and they took me to the round house, and he frightened me; I did not know what I said.

Jury to the Prosecutor. This robbery might have been at four for aught you know?—Yes; it might; I was told of it at night.

GUILTY

(Of stealing to the value of seven pence, not of the Burglary).

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

14. JOHN MARSHALL was indicted for burglariously and feloniously breaking and entering the dwelling house of William Poole, about the hour of six in the night, on the 22d of November, with an intent to steal his goods.

WILLIAM POOLE *sworn.*

I keep the Black Horse, Broad-way, Westminster: my father is a stable keeper; it is his house; his name is William Poole. On the 22d of November, our hostler caught the prisoner getting into the window; I was not there; I know nothing of the prisoner.

JOHN RATCLIFFE *sworn.*

I am the hostler: a little after five on the twenty-second of November; I had been on a message, it was very dark, and a rainy evening; I went into the stable to pull off my coat; coming out, I saw a man stand at the parlour window; I thought it was an acquaintance; I waited at the stable door, directly opposite, about five yards off the place; by and by he opened the window and leaned in; the windows were about the height of his breeches waistband; I could see by the light of the kitchen window, he did not find any thing, he came out again, pulled the window very gently down, went to the other window and lifted that up, then he likewise stooped himself down to the parlour, and felt about there to the right hand, where were the books on the bureau; by and by, he seemed surprized at some body in

in the kitchen, he came out again, and couched under the window about a second, then he whipped up at the window, and pulled down the window almost a hand's breadth, and couched under the window, then rose up again, and run off; I caught him; I found nothing upon him; the maid went into the parlour to see if there was any thing gone, with a candle, she said nothing was missing, the prisoner was taken before Justice Addington, he was committed.

ELIZABETH HEWLETT *sworn.*

I heard a noise in the parlour; I heard the window shut down; I saw nobody; I thought it was the hostler; I did not know the prisoner till the hostler brought him into the house, the prisoner is that man; I went into the parlour to see if any thing was lost, and nothing was gone; I found the window a little way up.

PRISONER'S DEFENCE.

I called on a young man, whose name is Jack, that works there, to have share of a pint of beer; I know nothing of the window; I expected my master here.

GUILTY, Death.

(He was humbly recommended to mercy by the Jury).

Tried by the first Middlesex Jury before Mr. Justice BULLER.

15. **ANN ATKINSON** was indicted for feloniously stealing, on the twentieth of November last, 19 yards of callico, value 16s. and nine linen pocket handkerchiefs, value 9s. the property of Thomas Clarke, privily in his shop.

THOMAS BOYD *sworn.*

I live with Mr. Thomas Clarke, High Holborn; I am his apprentice; my master lost the articles in the indictment, on Saturday the twentieth of November, about eleven in the evening; there are two shopmen and another apprentice; the prisoner

came in, she asked for some lamb's wool stockings, we had none, I told her so, she stepped out at the door, and I perceived something white under her cloaths behind; she pulled the door to after her, as she stepped down, I immediately got over the counter, and took her by the arm, says I, madam, I want you, and I stooped down and took hold of the goods which were under her coats behind, sticking out, she had hold of them betwixt her legs: there were nineteen yards of callico, value 16s. and nine linen pocket handkerchiefs, value 9s. nothing was round them: they were in one bundle, the pocket handkerchiefs were inside the callico; they both laid on the counter; I shewed them to a customer not a quarter of an hour before, the prisoner was near that counter; I do not recollect seeing them while she was in the shop: the things were lengthways between her legs; I had not the least suspicion, till I saw something white under her cloaths: they cost more than is charged in the indictment; we had them about two months; they were not remnants. She dropped the property on the floor, and Richard Boyer picked them up, and laid them on the counter; they are marked D. B. I tied them in a paper, and have kept them ever since; they are marked A. X. A. I. X. one is my master's hand writing, the callico, and I believe the other is.

THOMAS DYER *sworn.*

I apprehended the prisoner.

EDWARD HUGHES *sworn.*

I know no more than the last witness.

Court to Boyd. How happens it that the other people that were in the shop are not here?—Mr. Walker, the Justice, told me it was not necessary.

Prisoner. I know nothing of it.

The Prisoner called one witness to her character.

GUILTY, Of stealing only.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

16. **JOHN**

16. JOHN WATSON was indicted for burglariously and feloniously breaking and entering the dwelling house of James Moore, about the hour of seven in the night, on the eighth of November last, and stealing one iron stove grate, value 3s. his property.

JAMES MOORE *sworn.*

I live at No. 1. Lumber street, commonly called Lumber court, in St. Giles's Parish; I am a broker: on the eighth of November, between six and seven, my back garret was broke open; I left it locked, about six; I went there again a little after seven, in the mean time the prisoner brought a stove to me, to my other house, No. 9, Great Earl-Street, Seven Dials, which I kept at that time; he offered it to me for sale; I directly said, my good man, this stove is mine; no, says he; that cannot be; says I, it is; he directly said, he brought it out of Newton's Lane; I did not so recollect as to identify it, when he took it away; I followed him, and went to my house in Lumber Street, and found my garret door broke open; the next day I found my stove at an old iron shop, Mr. Fisher's, in Crown Court; I gave my porter a description of the prisoner, and in half an hour he brought him to me, the stove was loose in the chimney; I am sure to the prisoner, and that the stove is mine.

JOHN TAYLOR *sworn.*

I took the prisoner. The lock appeared to be violently forced.

Court to prosecutor. Who was in your house?—A man who keeps the shop and parlour, and pays half a crown a week, and another man in the front garret, and a gentleman that has lodged twenty years in the two pair of stairs front room.

PETER FISHER *sworn.*

I was dealing for some shoes, a little man came in with his hand openly, and said will you buy this grate? I cannot positively say, whether it was the prisoner or not, but he was in different cloathing, to what he was the next day; he brought it in the evening;

I do not perfectly know the day; I took no notice of the time; I am clear it was not half past six, if it was six; I told him it was only fit for old iron, he said it was his, and he was obliged to make a fire without it: was found in the front of my shop, the porter said how long have you bought this grate, says I, how long have you lost it? says he, a fortnight; then says I, it cannot be this, because I bought it last night; then says he, by God, it is the very thing I want.

What do you deal in?—Old iron and cloaths, and second hand things; I suppose if I had said the grate had been stolen for a month the man would have owned it.

PRISONER'S DEFENCE.

My sister lodges at No. 1. Lumber Street, she was brought to bed two days before, she sent to me, and the next day Mr. Moore's porter saw me, and spoke to me, and took me to Mr. Moore's shop, in Earl Street: Mr. Moore said I was like the man that stole the grate; I was taken before the Justice and discharged: two hours after I met the porter, and he took me to Mr. Fisher's shop, both Mr. and Mrs. Fisher said I was not the person, but Mr. Moore took me to Bow Street, and swore to me, and Fisher swore he did not know me.

GUILTY, *not of the burglary.*

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

17. MARY WILLIAMS was indicted for stealing, on the fourth of November last, two sheets, value 6s. the property of Mary Ramsdale.

The prisoner was taken in the passage with the things on her.

GUILTY.

Fined 1s. and imprisoned six months.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

18. RICHARD

18. RICHARD CHANTREY was indicted for stealing, on the twenty-third of November last, a piece of marble, value 40s. the property of Thomas Carter.

THOMAS CARTER *sworn.*

I am a mason in Sloane Street, Chelsea; I lost a piece of marble on the twenty-third of November: it is here; I missed it about eight hours after it was taken away, which I suppose was about six; I heard of it from the patrol about nine o'clock, the next morning I found a piece was gone; I saw it at Mr. Blamire's the Justice's, at Kensington.

ROBERT GREEN *sworn.*

I was on the watch at Kensington Wall, and placed close to the gate, and the prisoner came up with this marble and another man; I took this man with the property about him.

The prisoner called two witnesses who gave him a good character.

GUILTY.

Fined 1s. and imprisoned six months.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

19. JOSEPH HOLMES was indicted for stealing, on the first of November last, a cloth great coat, value 6s. a linen smock frock, value 1s. two pair of shoes, value 8s. the property of Richard Callis.

RICHARD CALLIS *sworn.*

I live at Greenford, a working man; the first of November I lost a smock frock, a great coat, and two pair of shoes; at eight in the evening; they were taken the fifth of November; on the prisoner, at the top of Hanwell-heath.

DANIEL CHAPMAN *sworn.*

I took the prisoner op Hanwell-heath, on Friday, the fifth of November, he had, a great coat and a pair of shoes: these are
NUMB. I. PART I.

them; I took the prisoner to the prosecutor's master, and the things.

Prosecutor. These are my things.

Chapman. These are the things.

Prisoner. I bought them of a man for eight shillings.

GUILTY.

Imprisoned six months.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

20. JOSEPH HORE was indicted for stealing, on the twenty-third of November, two callico shawls, value 5s. the property of Philip Gibbons.

PHILIP GIBBONS *sworn.*

I am a Haberdasher and Hosiery, in Tottenham Court Road; I heard the cry of stop thief, and went to the door and saw some shawls on the ground; I ran out and saw Mr. Gosling scuffling with the prisoner; a person gave me the shawls; I do not know who it was: they were given me four minutes after.

JOHN GOSLING *sworn.*

I am a carpenter: I was going home about half after seven, on the twenty-third of November, up Tottenham Court Road, I saw the prisoner standing at the prosecutor's door in an improper manner, as I thought, the door was open, and he was peeping in the shop; I rather stooped, and saw him snatch something from the door; I immediately after, called stop thief; I followed him; I never lost sight of him; when I took hold of him, he dropt two shawls between his feet and mine; I saw them drop; I saw a gentleman take them up, and the prosecutor came up; and the prisoner was secured; the gentleman gave the prosecutor the shawls. I a carpenter, in Little Howlett-street; I did not know the prosecutor before, nor the
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the gentleman since ; I work with one Mr. Harrison in Rupert-street, No. 28.

(Produced and deposed to)

The prisoner called two witnesses who gave him a good character.

GUILTY.

Whipped and imprisoned one month.

Tried by the first Middlesex Jury before Mr. RECORDER.

21. RICHARD RICHARDSON was indicted for stealing on the nineteenth of November last, three feather beds, value 9l. a piece of carpeting, containing eighty yards, value 3l. and one Persia carpet, value 5l. the property of John Russell.

GEORGE JACKSON *sworn.*

I live with Mr. Russell ; he lives in Broker's Row ; the warehouse is in Moorfields, at the corner of London Wall ; on the evening of the eighteenth of November ; I left the warehouse safe, a little before eight, I am very sure that all the windows were fast.

THOMAS FROMBS *sworn.*

I am another servant to the prosecutor ; on the nineteenth of November, in the morning, about seven ; I went to the warehouse ; I found the door wide open ; I told my master.

JOHN RUSSELL *sworn.*

I went to the warehouse ; I found the doors open ; I discovered the next day, that two squares were broke in a window, and a sash thrown up ; we missed some pieces of carpeting, three feather beds, and a Persian pattern carpet ; in consequence of information, I went to Mrs. Kirvin's house, in Honey-suckle Court, Grub-street ; Clarke, one of the Marshalmen, went with me, one of the feather beds was found there, in a turn-up bedstead ; my mark was on it at

that time ; on the same evening about half past six, we took the prisoner, at the Swan and Hoop, at Moorgate ; Mr. Clarke asked the prisoner, if he had a father ; he said he had ; he would not tell what he was ; he said he lived at the other end of the town ; we enquired after the prisoner ; by the name of the one-ey'd gunner ; he was known by that name ; his father lived in a court, in Grub-street, within three hundred yards of the place where he was taken ; we had his father in custody, at that time ; the prisoner did not know it ; when he was accused of the fact, he said he sold it to Kirvin ; he swore he would not turn evidence ; he said he found it at Bethlem Wall, about seven in the morning, without any wrapper on it ; it was a very wet morning ; it is impossible it could have been found there, for it was neither wet nor soiled.

Prisoner. I wish him to look, and see if the bed is not dirty.

(The bed produced, quite clean.)

THOMAS GREGORY *sworn.*

I am a porter at the brokers ; about half past five in the evening, of the nineteenth ; I was going through Honey-suckle Court ; a person said there was a nice bed going into No. 9 ; I had seen a hand bill, and I gave information to Mr. Russell ; I went with him, and took the bed from Kirvin's ; it could not have been under Bethlem Wall ; it was quite clean.

HANNAH KIRVIN *sworn.*

I got the bed that was found at my house, of the prisoner, on this day three weeks ; he brought it there between four and five in the afternoon, of the nineteenth ; I was to buy it, but had not the money ; and the bed was left there till I could pay him for it ; Mr. Russell came in the evening to my house, and took the property away.

RICHARD TOMPKINS *sworn.*

I am clerk to the prosecutor. *(Deposes to the property)* the mark is H. I. O. this is one of the beds that was stolen.

WILLIAM

WILLIAM FINCH *sworn.*

I am a hackney coachman, I know the prisoner, I saw him on this day three weeks, about half past eight in the morning, in Old-street, I was at the stand with my coach, at the Greyhound ale-house; he came and ordered me to follow him, I followed him with the coach as he ordered me, up the City Road, towards Islington; there was one Tunstall with the prisoner, and another whom I do not know; I drove to Peckers Pool, the prisoner, and the other men, whom I do not know, walked with me; we went to a stable-yard there, they opened the gates of the stable, I backed my coach in, and then they fastened the gates; they opened a stable in the yard, and they brought out a bed, and four or five rolls of carpetting, about as large as my body, and three or four large floor carpets, they put them all into my coach, and two of them got into the coach, the prisoner and one I do not know, and I drove them to the end of Brick-lane, Old-street; Tunstall stood in the stable-yard, the other young man carried a bed up the lane on his back, and came back and got in, and ordered me to the end of the Haymarket; I went there, the other man got out of the coach, and the prisoner ordered me to follow him; I followed him to Rupert-street; there the prisoner got out, and followed him up a court in Rupert-street; I waited about half an hour alone, with the goods in my coach: then the prisoner came to me and said, I have a favour to beg of you; says I, what is it? says he, the people that I have sold the goods too, are rather dubious of a coachman, and if you'll let me go with the coach, I am going only into Soho-square, I will be back again in a quarter of an hour; he told me the goods were all stolen; he had the coach, and I staid at the public-house all the while; he was gone near two hours, the goods were all gone when he came back; then these two persons and another stranger came to the watering-house Leicesters-fields, there they all got in the coach; I set one down in St. Giles's, one in Grub-street, and the prisoner at the Sun and Hoop

at Moorgate, the prisoner paid me seven shillings and six-pence; Mr. Russell applied to me on the Tuesday following, and I told him; I described the prisoner as being called *the Gunner*.

JOHN JACKSON *sworn.*

I live in Bishopsgate-street, I keep the Queen's Head, that is about a quarter of a mile from the prosecutor's warehouse; on the morning of the 19th, about one, the prisoner was at my house in company with two strangers; they staid about twenty minutes or half an hour, there were several coachmen in the house at the time; the prisoner and the others drank mulled raspberry, there was a coach waiting, it was there before the prisoner came; a man of the name of Skinner was there, he is a coachman, I believe it was his coach that was waiting; my house is usually shut up about two o'clock; I have seen the prisoner at different times these two years at my house, oftener in the night than the day; he was known by the name of *the Gunner*.

JOHN SIMMONS *sworn.*

I am the pot-boy at Mr. Jackson's, I know the prisoner, I have seen him often at my master's house, he was there in company with two strangers, Skinner's coach was there; I did not see them go, we shut up about two.

Did they or not come back again?—I do not know.

PRISONER'S DEFENCE.

I picked the bed up as I was going to work at half past six in the morning.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

22. ANN CHANTRELL was indicted for stealing, on the ninth day of November

ber last, a linen sheet, value 3s. the property of William Watkins.

The prisoner was taken with the sheet upon her.

GUILTY.

Fined 1s. and imprisoned one month.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

23. JAMES WILLIAMS was indicted for stealing, on the 22d of November last, seven yards of printed callico, value 10s. the property of John Owen.

JOHN OWEN *sworn.*

I am a linen-draper in King-street, Covent-Garden; I was standing in the back of my shop, and I saw a print pulled off; I called to my son John Owen to run as fast as he could; and pursue the person; he run and I run, and about ten yards off I found my print laying in the kennel; I have kept it ever since, I never saw who took it, I only saw it pulled away.

JOHN OWEN, Junior, *sworn.*

I ran to the door, I did not see who took it, but I saw the prisoner with this print in his hand; I pursued him and he dropped it, I do not know who picked it up, but this is the same piece.

PRISONER'S DEFENCE.

I was going on an errand for my father, and coming up King-street two men ran by me and dropped something, and the gentlemen laid hold of me.

GUILTY.

Whipped and imprisoned six months.

Tried by the first Middlesex Jury before Mr. RECORDER.

24. ROBERT WATSON was indicted for stealing, on the 5th day of Novem-

ber last, a silver tea-spoon, value 15d. the property of James Raw.

JAMES RAW *sworn.*

I live at No. 19, Ogle-court. Queen Ann-street, East; I lost a silver tea-spoon on Friday, the 5th of November last, from off my table, in the front parlour; I was not at home, my wife was out, my child was standing by the table; it was found in about an hour in the hands of a Jew named Hart Solomon; the spoon was marked M. P.

ANN RAW,

Did you ever take an oath?—No, Sir.

Have you been taught your catechism?—Yes.

Have you never been told what will become of you, if you are a naughty girl and tell stories?—Go to hell, Sir.

ANN RAW *sworn.*

Robert Watson came into our house on Friday morning the 5th of November; he was a stranger to me, I never saw him before, he is the man, he came into the front parlour about nine in the morning, I was in the room, nobody else, my grandmother was in the back parlour; I asked him who he wanted; he said, is the landlady at home? I said no; and my grandmother in the back parlour called out, who is that? and he stepped into the back parlour; he said, is the landlady at home, I have a nice leg of pork for her; my grandmother said no, she is not; he had nothing in his hand, he came out and went to the door, and came in again, and went into the back parlour again, and asked when she would come in; and he comes into the front parlour to me, and said, go and tell your mammy that Mr. Jones wants you; I said I cannot leave the parlour, nor I shall not for you; then he pushed me from the table and said, tell your mammy I will call in half an hour; I saw no more of him, till he was taken, about ten the same morning.

Did you observe him take any thing?—No, I did not see him take it, but it was on the saucer when he came into the room; my

my mother came in and missed it; I did not.

FRANCES HAMMOND *sworn.*

Deposed to the same effect, as to bearing the prisoner coming into the back parlour, and was sure the prisoner was the man.

HART SOLOMON *sworn.*

I am a Jew; on Friday morning, I do not remember the day of the month, it was this day five weeks (5th of November) the prisoner called clothes, and he went into a house for a minute or two, and he came out again, and said come this way; I went to him, and he asked me to do him a favour; I said I would if I could; he asked me to go to No. 38, Portland-place, that he was going for a soldier, and was to have five guineas; I shewed him the way, and going along he pulled out a tea-spoon, and asked me two shillings; I felt the weight of it, and offered him one shilling and three pence for it; I bought it of him, and gave it to Mr. Raw the prosecutor; he found me with the prisoner at No. 38, he bid me wait for him, to sell me some more old clothes.

Prisoner. What house did I go into? —I do not know, I went in no house with him but a public-house before we got to Portland-place.

Prosecutor. I found the prisoner and this witness in Portland-place; I took the child with me, and when she saw the Jew standing at the door, she said, daddy, that is one of the men: the prisoner was in the gentleman's house at that time; the child pointed to the Jew, who stood at the door; as soon as the prisoner came out I seized him at the door; the child said that was the man, she knew them both.

Court to the little girl. You said nothing about the Jew man?—No, Sir, the Jew stood over the way, right opposite our house, at No. 4, during the time the other man came in; they both went together, I am sure of the Jew man.

JOHN WILLIS *sworn.*

I am a carpenter; on the 6th of November.

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ber I was at work in Portland-place, and I heard the little girl give a description of the prisoner and the Jew opposite, and I went there and saw two men answering the description, and I came and told Mr. Raw, I went back with Mr. Raw and the child; as soon as we took them, the Jew confessed he had the spoon in his breeches, I heard him say so; he wanted to pull it out, and opened the button, and I said, if you have it you may keep it till we get to the office.

Raw. He delivered it me, I have it now; (*Produced, marked M. P. and deposed to.*) my wife bought it at a pawnbroker's; I had no more so marked.

PRISONER'S DEFENCE.

I went into this shop to buy a leg of pork, and asked the little girl if her master or mistress was at home; she said no; I went out again, and came in again, and asked her if she could serve me; I saw the Jew over the way, and said to him, I will humbly thank you to shew me where General Harcourt lives; he said, if you will give me a glass, I will shew you; we went to the public-house, and he was a penny and I was a penny, but I never saw the spoon or the sight of one.

Jury to the little girl. Had any other person been in the front parlour before the prisoner?—Not any body.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

25. **WILLIAM THOMAS** was indicted for stealing, on the 15th of November, three guineas, value 3l. 3s. the property of Benjamin Lawrence, in the dwelling house of Ephraim Franco, and Mr. Smith.

BENJAMIN LAWRENCE *sworn.*

I am groom to Mr. Smith: the prisoner came to my master's house, on the 15th of November,

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November, about ten in the morning, to ask for Mr. Franco's footman's place: I told him I would speak to the gentleman, I told Mr. Franco a person wanted him, and told the prisoner to sit down in the kitchen, and my master sent me out for about fifteen minutes; I left the prisoner in the kitchen, when I came back he was gone, I missed the money the moment I came in, I rang the bell, and my fellow servant told me the prisoner was gone, and that he would not wait for an answer; my room-door was open when I came in, there is a servant's hall between that and the kitchen; I went into my room before I went out, and shut the door after me, I saw my breeches were moved, they lay on my box unfolded, I searched the pockets, and the money was gone, it was loose in my breeches, there were three guineas and some silver; I have never seen the money since, I looked after him, and I took him on the 19th; I asked him if he recollected being at Mr. Franco's; says he, very well I do; I charged the constable with him directly, I heard where he was, and took a constable with me; the prisoner says, what do you charge the constable with me for? says he, d—n me, let's have a pot of beer; I said he might have a pot of beer, but I would not stop at that house; we took him, and going along he began to cry, and said he was very sorry for what he had done; I asked him what he had done with the money; he said he had taken his clothes out of pawn, and had only one half guinea left; we took him before the justice, we drank part of two pots of beer together at different houses, and I sent to my master to let him know what I had done.

Did the prisoner say any thing more?—Before the justice he cried and begged for mercy.

Had not you told him it would be better for him to confess?—No, my Lord, he told me there was two shillings in silver, with three guineas.

Court. What is Mr. Franco's name?—They call him Ephraim. I cannot read.

DAVID SIMPSON *sworn.*

I am a constable, I apprehended the pri-

soner in company with Lawrence, on Friday the 19th of November, at the Sash public-house in Moorfields.

Did any thing pass between Lawrence and the prisoner?—Lawrence said, what a wicked man you are to commit such an affair; the prisoner owned that he was guilty, and hoped he would forgive him, for he took his clothes out of pawn; Lawrence said he had taken three guineas, the prisoner could not deny it.

Did you or the prosecutor say any thing to desire him to confess?—Neither of us did to my knowledge; the prosecutor said he would do nothing in it himself, he left it to his master.

PRISONER'S DEFENCE.

I called that morning after Mr. Franco's place; I waited there, and was obliged to go after another place, and I went away, and the prosecutor took me at the Sash afterwards; his master came to the Justice's, I was brought three times to the Justice to see if I could make up the money; he said he would let me go if I could get the money to give to him.

Court to prosecutor. Did you tell him you wanted your money, and if he would give it you he might go?—I told a friend of his I had been three guineas out of pocket, that was all.

To Constable. Did you hear him make any offer of that sort?—He said he would leave it to his master.

Was he brought up three times in order to see if he could make up the money?—He was kept to see if he had a good character, from the two last places where he had lived.

JOHN CARNS *sworn.*

I live in Crispin-street, Spital-fields, I am a broker, I have known the prisoner six months; before the justice the coachman agreed, that if he could make up the money, and could bring two housekeepers to give him a good character, his master would discharge him; it stood over on that account, and two housekeepers came, and the master was not there; it was put off till the next day, he could not make up the money; I offered

offered to give my note at a month; he said he would do nothing in it; if I would go to his master he would treat with me.

Court to Lawrence. Did you offer to let him off if he brought three guineas and a good character?—Yes, if he could get a good character from his two last masters. My master had a letter from the country, and it was a bad character: there was no one attended to give him a character the third day.

To Carns. You said it went off because he could not make up the money?—Yes, There was two housekeepers the second day, Mr. Westofer, he lives in an alley in Featherstone-street, a watch gilder, and James Cornwall, in Christopher's-alley, Moor-fields, a silk dyer; neither of them was asked as to his character, the master not being there; they were not there the third day.

The prisoner called two witnesses, who gave him a good character.

GUILTY,

Of stealing, but not in the dwelling-house.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

26. JOHN HARPER was indicted for stealing, on the 3d day of December, a wooden box, value 6d. three silk gowns, value 20s. a pair of sheets, value 5s. a pair of pillow-cases, value 2s. and divers other things, the property of James Wood.

ROBERT NEWMAN *sworn.*

I am an officer. On Friday, the 3d of this month, about six in the evening, I was going down Fleet-lane; I turned up Sea-coal-lane; I got up about twenty yards, and I observed the prisoner coming along with a box on his head; I had a suspicion, and turned back, and saw the prisoner turn into Fleet-lane; I followed him; he had taken the box off his head, and put it under his arm, making off very fast; I ran

up to him, and I stopped him; I asked him what he had got? says he, it is a box; I asked him the contents? he said, he knew nothing at all of them, that he was going into Fleet-market with it; he said, one Manby knew of it; I knew Manby; he asked me to go up to Manby's house with him; I went, but Manby was not at home; we saw his wife; she said she knew nothing of that box; I took the prisoner to a public house; the box was locked; he wished a person to go to Manby's again; he said he got the box in Holborn, and begged of me to be as merciful as I could; he did not say how he got it; I took the prisoner to Wood-street Compter; a person that is here carried the box; after I had put him in the Compter, I went again to Manby's; he was come home at that time; I told him what had happened; he said he knew nothing of the business.

ELIZABETH WOOD *sworn.*

I employed Mr. Manby to move my goods from Gray's-inn-lane to Union-court, on the 3d of this month; when the cart came, he sent two men with it; the box and a picture we missed; there was D. A. on the box; it contained the articles in the indictment: (*enumerates them*): Newman came to me to ask me if I had lost any thing? I went the next day to Guild-hall, and I saw my box and the man; I can swear to the property: (*the box produced, and the things deposited to*): amongst the other things, there was the certificate of my marriage.

Prisoner. Did you find the picture?—Yes, the next day.

ALICE WOODWARD *sworn.*

I saw the prisoner with some other men in the court, when the goods were moving.

JACOB ROBERTS *sworn.*

I was with Newman; I know no more than he does.

PRISONER'S DEFENCE.

I am innocent: I found the box.

The

The prisoner called two witnesses to his character.

GUILTY.

Whipped and imprisoned six months.

*Tried by the London Jury before
Mr. Justice ASHURST.*

27. CATHERINE JACKSON was indicted for stealing, on the 21st of November, a cotton gown, value 7s. the property of Laura Evans.

LAURA EVANS sworn.

I lost a cotton gown about three weeks ago, or it may be longer, from a back room on a ground floor, Little Windmill-street, where I lodge; I saw it a week since, on one Mary Walker; the constable has it; I know the prisoner, and have seen her before I lost my gown; I do not know where she lived.

MARY WALKER sworn.

I bought this gown, to the best of my knowledge, about three weeks ago, of the prisoner; I offered her seven shillings for it; I asked her if it was her own, and she said her sister gave it her.

JAMES SLADE sworn.

I apprehended the prisoner.

Prisoner. I bought the gown.

GUILTY.

Fined and imprisoned six months.

*Tried by the second Middlesex Jury before
Mr. Justice ASHURST.*

28. JAMES TEMPLEMAN and GEORGE PLATT were indicted for feloniously assaulting Henry Sharp, on the king's highway, on the 17th of August last, and putting him in fear, and feloniously taking from his person and against his will

one half guinea, value ros. 6d. and seven shillings in monies numbered, his monies.

The case opened by Mr. Garrow.

May it please your lordship. Gentlemen of the jury. Gentlemen, I am counsel in this case against the two prisoners: the indictment imputes to them the offence of a highway robbery; and as the circumstances by which this offence is to be brought home to them, are attended with some peculiarity, it will be my duty to state to you some of the leading features of the case, and the law as I apprehend it. Gentlemen, in order to constitute the offence of highway robbery, it is unquestionably necessary that an attack should have been made on the persons of those that come to complain, and that their property should have been taken from them against their will, with some degree of force: on this occasion the terror which has been applied to the prosecutor, and which has induced him to part with his money, is not that which has been applied by any weapon threatening him with personal danger, but it is that which, under the authority of all the judges in England, constitutes as effectual a terror in a highway robbery, as if the most tremendous instrument by which personal mischief can be committed, was produced, and threatened to be applied. Gentlemen, the prisoners, as you may collect from their appearance, are soldiers in the guards; the prosecutor of the present indictment is, and for more than twenty years last has been, a porter to a very considerable manufactory in Covent Garden: some time before the 22d of July he was passing through St. James's Park, on his master's business, where he saw the prisoner Templeman then on duty, and discoursing with his fellow soldiers; he was describing something about a person's being drummed out of the regiment; he listened; Templeman asked him to give him something to drink; the man said, there was no public-house near, or he had no objection; they parted for that time: soon after this, on the 17th of August,

August, the time which constitutes the present, among many other complaints; as the prosecutor was passing through Great Queen-street he saw the two prisoners, one of them Templeman, the man he had seen before, crossed the street to him, and said to him, how do you do? the prosecutor said, he was very well; Templeman said, will not you give us something to drink? the prosecutor said, for what reason? to which Templeman made this reply, you know soldiers pay is very small, they cannot live by it, and we must have money some how; the prosecutor said, that was no business of his, they were not to live by him; upon which he swore he would be damned if he had not something; the two prisoners joined company, and they both pursued him for a considerable time, threatening him with vengeance, and that they would charge him with an unnatural practice, having behaved indecently to them, and other crimes of the same nature and tendency. Gentlemen, in the publick streets of this great town it is not very much to be wondered at, that the prosecutor should submit to these men; he did so, and gave them half-a-guinea; they pursued him; they insisted he should make it up two guineas, that he should go into a publick-house, and sign a note for the two guineas, and after a great length of pursuit the man parted with seven shillings more of his property, under a promise to meet them at a particular house that was mentioned; at that time he got rid of them. Gentlemen, I know it has been asked by former juries, how it happens that a man submits to part with his money on such an imputation as this; but I am afraid no man is quite equal to the task of deciding how even a wise man, and a man of firmness would act, till brought to the trial; one thing I am quite sure of, that the moment a man has been foolish enough, and indiscreet enough to part with the smallest portion of his money on such a charge, there is no end to the pillage that shall be committed: so it happened on the present occasion, this man having parted with his money, sub-

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mitted himself to the attack of all the bad men in the regiment, and it forms an important confirmation of the testimony of the prosecutor, so as to involve the prisoners in the guilt. Gentlemen, from time to time the prisoners, sometimes together, sometimes one of them alone, sometimes one of them with other accomplices, continued to harass this unfortunate man, and extort from the produce of his very hard labour, to the amount of several pounds, in the course of a very few months: I state it to you, that at last worn down by those repeated solicitations, he was driven to apply to a friend, and what passed between one of the prisoners at the bar (for the other was not present at that time) will be extremely material and important for you to take into your consideration. Gentlemen, the prosecutor, Sharpe, after having been repeatedly applied to, and as repeatedly pillaged of his property, applied to a person of the name of Simms, who keeps a green-grocer's shop, for his advice and assistance, and at one of the meetings Simms was present, and he seems to have acted with as much propriety as one would expect; he applies to Templeman, who was with another man, not included in this indictment; coming into the room in which they were together, he says to Sharpe, are these the men that have extorted money from you? this was in the hearing of the prisoner Templeman; the prosecutor said, yes; upon which Simms proceeded to state to them, that he wondered at their conduct, as they were subject to a capital charge, and that he should think they might be in liquor; the reply made by Templeman is of extreme importance; he said, he was not in liquor, he knew very well what he was about, and admitted he was one of those who had already extorted money from the prosecutor: gentlemen, Mr. Simms still proceeded, he said, for God's sake has there ever been any thing indecent passed between you and any of these men? to which the prosecutor protested his innocence, as he will do to night on his oath; and both the persons then

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present

present admitted there had been no charge whatever against this man, that they might as well have made the charge against a person a thousand miles off; that they admitted in the most ample, full, and unequivocal manner: upon this they proceeded to write what they called a discharge, Templeman having previously written the letter, which I will read to you; "Sir, I should be much obliged to you if you will please to step out to me, I have got something very particular to say to you; I did not like to have talk in your shop, as I thought you would not like it; I expect you to attend me immediately." Gentlemen, in consequence of this the prosecutor went out of the shop, and adjourned to the place, where Simms met them, and the result of the meeting there, when Simms was present was, that the prisoner Templeman wrote this, which he called his discharge, and which was signed by him and another person;—"I do hereby promise that I, Thomas Vick, (which never was Templeman's name) and Thomas Brown, will not molest or disturb Mr. Sharpe on any pretence whatever."—Gentlemen, the question for you materially will be this, is the story in the main, which the prosecutor shall tell you, true? is it true that he was attacked by two persons, at the time he will describe to you, on the king's highway, and that in consequence of the conversations I have stated, or indeed alluded to, he parted with his money? if so, the next question is, who were the persons who so procured the money from him? were they the prisoners? about that you will have this evidence; first the positive testimony of the prosecutor, who saw them on several occasions, and who had great reason to observe them; the testimony of Simms, an indifferent witness; and the declaration of these two men themselves, after they were taken into custody. Gentlemen, in justice to them, if it could be of consequence to them, I ought to state the whole of those declarations; they did not deny the circumstance of their having obtained money from the prosecutor; but they

seemed to have thought, that if there was any foundation for the charge that they had extorted it, they extorted it with impunity, for they stated before the magistrate, that this man had been guilty of those indecencies, and that in consequence of those indecencies, they obtained the money from him. Gentleman, if a man is of unnatural practices and tendencies, in the name of God let those who know it, and can prove it, thrust him to the bar of criminal jurisdiction; let such a man meet with the punishment due to his merits; but God forbid that should be made a pretence upon which bad and guilty men should extort from the king's subjects the money from their pockets; even if that afforded a defence, if it should throw a shade on the testimony of the prosecutor, such a case does not exist in truth; the man will himself deny it; the man himself will solemnly tell you, that he never saw these men but under the guilty circumstances I have stated, and he will confirm this by the testimony of Simms; and I have material witnesses to shew you that the character of the prosecutor excludes all suspicions of such a kind. Gentlemen, I already hinted to you, that there is a degree of doubt excited in the mind of many a man, when he hears of money being parted from; I have already told you that some of the best men that ever ornamented society, have been weak enough not to be able to bear up under the terrors of accusations against their characters, so alarming and so terrific as the present; that they have submitted with the most perfect consciousness of innocence, to part with a little trifle of money, to prevent being called into a court of justice. Gentlemen, I shall lay before you the evidence. On the one hand, the growing experience of the times shews us that these accusations, which are very easily made, which are extremely difficult to be refuted, which may be made by the worst of men against the best members of society, have grown to an amazing height, and it is a duty you owe to the publick to make the prisoners the sacrifices of their own delinquency, if you believe them guilty; but on

on the other hand, however much you may abhor and detest the crime imputed to the prisoners, in your abhorrence of the crime you ought not to involve innocent persons in the consequences of guilt. Gentlemen, I have no doubt but you will attend to the evidence with that care and impartiality which ought always, and which, thank God, always does, characterize an English jury. I shall call the witnesses with no anxiety about the result of the case, having no doubt but publick justice will be satisfied.

HENRY SHARP *sworn*.

I am foreman of the carpet-warehouse under the Piazza, Covent-garden, and have lived there 24 years; I saw the prisoner Templeman first about a year ago, and coming down the steps into the Park from Dartmouth-street; it was of a Sunday; he was telling some persons something about a soldier being drummed out of the regiment; he said it was very cold; he asked me for something to drink; I said, there was no publick-house near, or I should have no objection; he said, he should soon be off guard; I said, I should not be there. On the 17th of August, about eleven in the forenoon, I was going to Queen's-square, Bloomsbury, to lay down a carpet; I saw the two prisoners near the pump in that street; Templeman left Platt, and crossed to me, and said, How do you do? I says, very well; he says, Will not you give me something to drink? I says, no, for what? He said, every one knows soldiers pay is very small, such as they cannot live by, and we will have money somehow; I said, What is that to me? you are not to live by me; he replied, he would be d—ned but he would have some money; I made answer, in the same language, I would be d—ned if he should from me; he said, if I did not, he would charge me with indecent behaviour; I asked him what he meant by that; he said, that the Duke of York gave such encouragement to soldiers, that he would give them five guineas for charging any man with indecency: Platt, during this conversation, walked slowly on behind him;

he took no part in it; then Templeman turned round, and waved his hand for Platt to come to him; accordingly Platt came up, and Templeman says to Platt, he will not give us any thing; they both said they would be d—ned but I should; for I had behaved very indecently to them at a publick-house, one Johnson's, down at Westminster; they both repeated, over and over, that the Duke of York had given a man five guineas lately for charging another.

Did they explain what indecency you had been guilty of?—Yes; they said I wanted to search his privates; them were the words.

Who used that expression?—Templeman.

In the hearing of the other?—Both close together: I said, I was very much surprised that they could behave in such a manner, they knew nothing of me; they said, damn their bloods, they did not care, they had so much encouragement, that they would do it, and if I did not give them money, they would have me pilloried, as a man was in Bond-street, or Hay-hill, or somewhere that way: I being very much alarmed indeed with such threats, I could not tell what to do; I was afraid of my life from the people; I told them, if they behaved themselves like men, there was a shilling for them, and I gave Templeman a shilling.

What induced you to give that shilling?—Fear, Sir.

Fear of what?—Fear of being exposed to the people, and my character; I in short was in such terror, that I did not know which way I turned: they said, that would not do; Platt said, what was a shilling between both; they went on abusing me through Gate-street, Little Turnstile, into Holborn, and up Dean-street, still repeating their request, that they would swear indecency against me, and have me punished, if I did not give them more money.

What were the expressions they made use of?—Damning their eyes but they would swear an unnatural crime against me.

Repeat the very words.—They are the very words; d—n your eyes, if you do not give us more money, we will charge you

you with an unnatural crime; in this way they kept following me for some considerable time, till we came to the top of Red-lion square; then Templeman says to a lad that was there, d—n him, where is a constable, we will charge a constable with him; the lad made no answer; upon which the prisoner Platt said, what should we do that for, he will give us more money. We passed the corner of Red-lion square, they still repeating their demands; there I was so much alarmed; and in Lamb's-conduit passage Templeman swore it would not do, he would have two guineas, and gave me the shilling back; I told them I had not two guineas to give them; they were both close together, both joined in the conversation, all the way; they kept repeating their demands, d—n their eyes if they would not charge me with an unnatural crime: when we came into Lamb's-conduit-street, Templeman said, d—n his eyes, a magistrate lived there, and they would take me before him, if I did not give them the two guineas; I told them, if I had done any thing wrong, to do it; I bethought myself where I was, and I turned back up East-street into Devonshire-street, and to Queen-square; and in Little Ormond-street, by the church of St. George the Martyr, we stopped; there they still demanded two guineas, or else they would follow me the whole day, go where I would; I told them I had not the two guineas; Templeman desired I would go into a public-house, and give them my note of hand; I told them I would not, let the consequence be what it would; Platt asked me if I had not property enough about me, where was my watch; I told them I had none, but I would give them what I had more about me, which was 7s. more and upwards; Templeman said that would not do, he would have two guineas, and would follow me the whole day: while we were in this conversation, a well-dressed gentlewoman passed; it took, I believe, her attention; to wave, I suppose, the conversation, Platt said, if your brother's note is not paid tomorrow, we will arrest you: then they said, if I had no more money

about me, I should meet them at night, and make it up two guineas: Templeman said they would not let me go; Platt said, let him go, his name is Mr. Reynolds, he lives at No. 5, James-street, Covent-garden, he is a carpenter and undertaker: Templeman said it must be that evening, at 8 o'clock; no other time would do: I said, I did not know I could raise two guineas that evening: Platt mentioned the King's-head, James-street; I appointed the Fountain, Round-court; we did not meet; and we parted: on the Friday following I saw Platt alone; I saw the two prisoners together, the 20th of September, on a Monday, I think, about two in the afternoon, at my master's shop; Templeman opened the door and came in, Platt and another was without the door waiting; I followed Templeman out; in consequence of what passed that day, I went to Mr. Arthur Simms on the Tuesday; I was so exceedingly uneasy, I could have wished myself out of the world a thousand times: on Wednesday, between 9 and 10, I went with Simms to find the prisoners; they were not on the Parade; they belong to the 2d regiment: on that Wednesday, about one in the afternoon, the prisoner Templeman and another man came into the shop again, and gave me this letter into my hand; he said it was an order from the Duke of York to attend his Royal Highness at the orderly room: Platt was not there at that time: this is the very paper: (*Read.*)

"September the 2d, 1790.

"Sir,

"I shall be much obliged to you if you will please to step out to me, as I have got something very particular to say to you; I did not like for to have talked to you in your shop, as I thought you would not like it; I expect you to attend me immediately.

"Yours, &c.

"T. B."

Upon this letter, I followed him out of the door, and looked at it; I asked him to step along with me, I did not say where, but I went to Mr. Simms's stall, as Simms and me had agreed before; he went with me,

Simms.

Simms was not at home; I sent for him; Mrs. Simms went for him: Templeman said I must go directly, for the Duke was waiting in the orderly room, and he would be gone; I said I would not go without a friend, though I had no objection to go; I desired him to stop till my friend came; he said, d—n your friend, what have we to do with him; if you will not go with us, we will fetch them that will make you: Templeman and the other were very abusive; I really was afraid of a mob: I desired them to go to a publick-house and call for a pot of beer, and I would pay for it, but I would not go till somebody came to go with me: they were very clamorous about my going, and we went to the Northumberland-arms, Great Russel-street; Templeman asked me for some writing-paper, and pen and ink, to give me a discharge, never to trouble me on any pretence whatever; Simms was not yet come; I sent a girl for a sheet of paper, and we went into a back room; I left them, to fetch some money; they came down then to a guinea; I came back with Simms, and we both went into the back room; there were Templeman and Smith; Simms asked me whether they were the men that had extorted the money; that was in their hearing; I told him they were two of them: Mr. Simms got up, and came close to them, and said, Good God, you must be in liquor, you cannot be in your senses; they said they were as sober as he; then he told them they could be but little acquainted with the laws of their country, or, had I acted any thing that was improper, they should have taken me to a justice, or by extorting one shilling in the manner they did, it would most likely affect their lives. Simms asked me, Sharpe, have you, have you not, at any time, behaved in contempt to those men? I declared, as I do now, as God shall never receive me, if I ever knew whether they were men or women, or ever took any liberties with them: Templeman said I was innocent of the charge, they had laid to me; they both said, is an innocent man, but we want money, I will have it somehow: I begged from

NUMB. I. PART I.

that time forward that they never would think of such a way of life; I said how unwilling I was to take away the life of fellow-creatures; and they said they were very thankful to me, and would never trouble me again: Templeman wrote this paper, and signed one as his own name, that is, Thomas Vick, and wrote Thomas Brown his mark, to which Smith made a mark.

(The paper read.)

"I do hereby promise, that I Thomas Vick, and Thomas Brown, will not molest or disturb Mr. Sharp on any pretence whatever.

(Signed)

Sept. 22d, 1790. "Thomas Vick,
"Thomas Brown,
his X mark."

At that time what money did you give them?—Ten and sixpence. The prisoners were taken into custody the 4th of November. Templeman came to my master's shop between seven and eight in the evening; I went to know what he wanted with me; I said, what are your demands with me? he said, money: I desired him to step with me; he said he knew where I was going; he cared neither for me nor my friend: I sent for Mr. Simms; he was making his demand for money; in about two minutes Simms came; he said, Sharp, what would you have done with this man now? I said, take him to Bow-street: he went pretty peaceable till we came near to the end of Bow-street; then he swore he would be damned if he went; Simms collared him; he was very resolute; but we took him to Bow-street: Templeman was secured; the other man, Platt, was taken that evening, in consequence of some information Templeman gave: on the examination before the magistrate I was present, and Platt declared he never saw me before, over and over again: they were examined separate: Templeman said he had something to say that he could not say at the public office; Mr. Bond said that was the time; he said, he was on sentry, in the time of duty; that I came up to him and asked him to drink; he said, he could not till he was off duty; that I said I would go to a publick-house.

K

and

and call for some beer, and he came, and I sat with a pint of beer before me, and I asked him to drink; when that was out, I called for another, and another, and then I asked him where he should be posted the next sentry; he told me it was very uncertain, but he was stationed somewhere at a box facing the recruit-house; it was between eight and nine, or near nine; that I said, halloo, is it you? I said, yes, it is, I know by your voice.

The result was, that Templeman had said some indecencies passed between him and you in the Park?—Yes.

Look at the prisoners; are you quite certain to them; are they the two men who on the 17th of August got the ten and sixpence and the seven shillings from you?—Very certain; I saw Templeman four times before he was apprehended, and Platt seven times; I have not the least doubt in the world but they are the two men; they were following me near half an hour.

ARTHUR SIMMS *sworn*.

In consequence of a representation made by Sharp, I went to the Northumberland-arms, on Wednesday, I am not cert in to the day of the month; I went with the last witness; there I found Templeman and Smith; I went in just before Sharp, and asked them if they did not want the porter at the carpet-warehouse, naming him; they said, yes; Sharp instantly came in, and I arose from my chair, and I said, Mr. Sharp, are them the two men that extorted the money from you? he then said yes; and I asked the two men what they could think of themselves, to threaten a man with such a crime as they had done; I then asked Mr. Sharp whether he was guilty of it or not; he then said, no, he was not; they both of them then declared that he was not guilty; I told them then that it was a very odd sort of life that they had taken, and as they were both young men I would wish them to apply their minds another way; I asked them if they knew the meaning of extorting money, for I thought one shilling extorted would take their lives, or something

to that purpose; Templeman then said my talking to them had taken that effect on him that he would not go that way any more: then they got more money: I saw Templeman write the paper, and sign his name, as he pretended, and give it to the other, who made his mark: this is the paper that Templeman wrote.

Prisoner Platt. Do not you know the sign of the Horse and Groom, in Eagle-street, some years back, a house of a very infamous character?—Yes, I do.

Whether it was not a house that was used by a person of the same description as Mr. Sharp, who is now confined in New Prison, who knows the connection of Mr. Simms for eight or ten years back, who is of the same description as my prosecutor? he is in New Prison, and we cannot get him out.

Mr. Garrow. Have you ever been married?—I have had three wives.

Have you had children by them all?—Not by the present, but by the other two I have had a great many, two at a time sometimes.

PRISONER TEMPLEMAN'S DEFENCE.

The first time I saw the prosecutor was when I was standing at the Cockpit steps; it was within a quarter of three; he asked me the hour; I told him; he asked me if I chose any thing to drink; I told him no, there were so many officers passing, I was likely to come into trouble; he asked me what house I used; I told him we generally used Johnson's, the corner of Queen-square; he asked me what time I came off guard; he said he would be there; I went there, and found him sitting there with a pint of beer before him; when I called for a pint of beer, he said I had no occasion to call for any, he had some; he asked me to sit down by him; I did; he asked me if I chose any thing else; he called for another pint; he asked me how old I was, how long I had been in the regiment, and whether I was married; I told him; he asked me when I went on guard again; I told him at eight

eight o'clock; he asked me what post; I told him I was a sentry at the Bird-cage walk, near the recruit-house; he said he would be sure to be there at eight o'clock; he came, and asked me what it was o'clock; he said he knew my voice; he walked up and down, and asked me several times if I knew one Tillotson, one Jamefon, one Stringer; I told him no; he said they were young lads he had a very great regard for, and they had had many pounds of his money; he asked if there were any girls about; he asked me to go into my box; I told him no; he said, you are very hard-hearted; I asked him for what purpose; he went behind my box (if there are any ladies in court, I hope you will desire them to withdraw), and he called me to him; I asked him what he wanted, and he had then unbuttoned his breeches, and got his privates out, and wanted me to feel them, and asked me to feel mine; I said no, is this the purpose for which you have followed me this four or five hours? he immediately buttoned up his breeches; I took hold of him by the collar; my firelock was in my hand, and that was falling down; he got away from me, and I never saw him till the latter end of July or August: going down Queen-street, I was with Platt, and I said, that is the man that used me so ill; he said, how do you do, soldier? I said, how do you do? I mentioned the circumstance; he said, says he, I remember something of it, but I hope you will not hurt me; there is a person behind with a carpet on his head, who belongs to the same shop, and I hope you will not hurt me; he gave me 18s. 6d.; says he, I have no more money; if you have a mind to meet me at the Fountain, in Round-court, I will give you another guinea; but, for God's sake, say nothing of it: I took the money, and saw him no more till we went to Mr. Sharp: I was talking with a comrade; Sharp came out and tapped me over the shoulder, and said, do not say any thing, here are five half-crowns, go about your business. I am as innocent as a child unborn.

PRISONER PLATT'S DEFENCE.

About the latter end of February, Sharp came to me; I was talking to the sentry; he asked me to have a drop of porter; he gave me a shilling to fetch a pot of porter; I went to the Horse-guards and fetched it; I went to give it to him; he bid me drink, and told me to keep the change for myself: after the beer was out, he went away, and stood by the Horse-guards; he stopped me again, and asked me to have a glass; I told him I would rather not; he asked me my name, and if I could meet him that night, at seven o'clock, at the Black-horse; I told him I could not that night, but the next evening I would; I met him, according to promise; he had a pint of purl and gin, drinking it: just about eight we set off; he paid the reckoning: going up the Park, he kept squeezing my hand, and hugging me; he said it was very cold; he thrust his hand into my breeches, and wanted to kiss me; I knocked him down; he told me then his name was Reynolds, and he lived in James-street, Covent-garden; he was a carpenter and undertaker: when I first found out where he lived, I was waiting for some potatoes; he came out and tapped me over the shoulder, and put five half-crowns in my hand: several other men in the regiment know him. I find Mr. Simms, by all accounts, is as noted a man as any going; he used to live with one Mr. Young, at the Horse and Groom, in Eagle-street, as man and wife.

BOTH GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

29. STEPHEN SUFFIELD was indicted for stealing, on the 8th of November last, one half-crown, value 2s. 6d. and three halfpence, the monies of James Field.

The prosecutor slept with the prisoner and two other men; and he marked a half-crown,

crown, having lost some money before; the half-crown was found the next morning in the lining of the prisoner's coat.

Serjeant Wretlawer gave the prisoner a good character.

GUILTY.

Fined 1s. and imprisoned one month.

Tried by the second Middlesex Jury, before Mr. Justice BULLER.

30. MARY HARRIS was indicted for stealing, on the 28th of October, an hun-

dred iron shoes for beltend poles, value 20s. the property of Reuben Shaw.

The prisoner was taken in Long-acre with the property.

GUILTY.

Fined 1s. and imprisoned one month..

Tried by the second Middlesex Jury before Mr. Justice BULLER.

The next Part, which will be the last, will contain the TRIAL of RHYNWICK WILLIAMS, commonly called the MONSTER, on Monday and Tuesday last, at Hicks's Hall.

T H E
P R O C E E D I N G S

O N T H E

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

A N D A L S O

The Gaol Delivery for the County of *Middlesex*,

H E L D A T

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 8th of DECEMBER, 1790, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Honourable John Boydell,
LORD MAYOR OF THE CITY OF LONDON.

T A K E N I N S H O R T - H A N D B Y

E. H O D G S O N,

P R O F E S S O R O F S H O R T - H A N D ;

A n d P u b l i s h e d b y A u t h o r i t y.

N U M B E R I. P A R T I I.

L O N D O N :

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Pater-noster Row; and J. MARSON, *High Holborn*.

M D C C X C.

N. B. The Sessions Papers will be comprised in *Two Parts only* for the future, by Order
of the Common Council.

[P R I C E H A L F A C R O W N .]

THE P R O C E E D I N G S

U P O N T H E

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

31. **M**ARY otherwise ANN HAWKINS, was indicted, for that she, on the 8th of December last, about the hour of four in the night of the same day, being in the dwelling house of Thomas Marshall, four silver table-spoons, value 20s. and a diaper table-cloth, value 1s. and a tin box, value 1d. the property of the said Thomas, burglariously and feloniously did steal, and afterwards did break the said dwelling house about the hour of four in the night, to get out of the same.

The witnesses examined separate, at the request of Mr. Knapp, prisoner's counsel.

(The case opened by Mr. Knowllys.)

ANN MARSHALL sworn.

I am wife of Thomas Marshall, in the precinct of St. Catherine's, a wharfinger. I know the prisoner; she came to me last Tuesday; I had her character from a Mrs. Yates, in Portland-street, by word of mouth; I hired her as a house servant; she did her work on the Wednesday very well, and made no complaint, only she said there was a great many windows to shut; but she did not intimate that she was going

away; on Wednesday night I saw all the doors fast; the street door was chained, and bolted with two bolts, and double locked; she took off the cloth from supper at half past ten; our spoons were not in use; I believe the prisoner followed me up immediately; we had two tinder-boxes in the house, one in the kitchen, which I missed, and the other was up stairs; she broke some matches into that tinder-box at twelve that night; I saw her no more till Friday, at the Justice's; I awaked about six; and the street door is just under my room; I set up some time, and I heard a watchman ring at the bell; and somebody went down and opened the door without taking down the chain; it was not light then; I got up about a quarter after seven; I missed four plain silver table-spoons; a large spoon, and a spoon that was cyphered, were left; the diaper table cloth that had been used the night before, and the tinder-box was gone that was in the kitchen the night before; it was a tin box; I put two of the spoons in the case that evening; and I locked the case, and the key was hanging by a bit of string; and I saw the other spoons in the case, only the vacancy of one spoon; I am quite positive these

these four table spoons were in the case at night; the table-cloth and spoons were never found; I saw a tinder-box produced.

DANIEL CLARKSON MARSHALL

sworn.

I am brother to the prosecutor: I slept in his house on Wednesday last: I got up at ten minutes before seven; the day was just beginning to break; I cannot say it was light; I was called as usual by the watchman; nobody went down while I was dressing me; I laid hold of the latch and pulled it back; but whether it had caught, I cannot say; but I think it was fast; it was not chained or bolted.

Mr. Knapp, prisoner's counsel. It was darkish then?—Yes; there was some light from a window over the door.

RICHARD WALKER *sworn.*

I lodged in Mr. Marshall's house; I got up after Mr. Clarkson Marshall.

Had you ever gone out that night?—No.

THOMAS MARSHALL *sworn.*

I keep this house; I am husband of the first witness, Ann Marshall. On this Thursday morning I heard the watchman ring at the door; I did not perceive it was light; I came down about seven, within two or three minutes under or over; hearing the door open without being unchained and unbolted, I got up; I went into the maid's room, and she was not there, nor in the house; I was with the officer when he took her at her lodgings; she gave no intimation of her going; I heard my brother get up and open his door, which makes a noise; I heard nobody come down or go about the house, after the watchman rang, and my brother went out.

If the door had been opened, and the bolts drawn back between those times, should you have heard it?—I am sure I heard nobody; and it was dark when the watchman rang; my wife's mother was in the house, besides the people that have been mentioned; I did not open the door in the

night; I found her at her lodgings; nobody was there but herself, from whence I conclude they were her lodgings; on searching her pocket I found a tin box, and to the amount of two pounds six shillings; we found nothing else that belonged to me; there were some duplicates, one for two shillings, the 26th of November; after we had taken her into custody, the officer and me went back to her lodgings, and found a tinder-box which I cannot swear to.

Mr. Knapp. You heard no question during the course of the night?—None, it was a remarkable dark morning, it was dusk when I went out; there was a brass kitchen candlestick standing behind the door, without any candle in it, or grease or althes.

ANN FANCOURT *sworn.*

Deposed to the same effect, being Mrs. Marshall's mother.

ROBERT DAWSON *sworn.*

I attend one of the publick offices. I went with Mr. Marshall, on Thursday, to various places; but yesterday morning I found her alone in a room, in Pennington-street; I searched her and the room, and found these duplicates, and two shillings and sixpence, in a paper; I found nothing then more than that: we took the prisoner into custody, and went back to her lodgings, and found a tinder box and a steel with it: she said, they were her own lodgings and goods, and had lodged three months.

Court. In what part of the room did you find this tinder box?—In the corner of the room, under a piece of green cloth.

(The tinder box and steel deposed to by Mrs. Marshall.)

The seam of it was unfolded by the maid's setting a hot iron on it, and in consequence of that there is a little folder run down to the bottom.

How long had that been in your house under your observation?—I fancy eight or nine years; I have no doubt of it: I described

scribed it to Dawson: I came here, and was sworn to tell the truth, and I would not say any other if I might have the place full of money: I am positive it is my property; I have seen it so long and so often it is impossible I should be mistaken.

CHRISTIAN MILLER *sworn.*

I have done chare-work in Mrs. Marshall's house five years, I know this tinder box; it is Mrs. Marshall's; I am quite sure of it; I have seen it very often.

HANNAH SMITH *sworn.*

I am the person in whose house the prisoner lodged; she took them three months ago: she did not tell me she was going away; she said, she was going to keep her Christmas; but I forget where: she was taken away yesterday: the furniture was her own.

Prisoner. I am innocent.

David Yates, her late master, gave her a good character.

GUILTY of stealing to the value of 1d. but not of the burglary.

Transported for seven years.

Tried by the second Middlesex Jury before
Mr. RECORDER.

32. **ROBERT BREEZE** and **JOHN HART** were indicted, for that they together, with several other persons, on the 4th of November, in the 30th year of his Majesty's reign; being on board a certain vessel, called the Mary, on the sea, about the distance of one mile from Thornham, in Norfolk; within the limits of the port of Lynn Regis, being one of the ports of Great Britain, bearing certain guns loaded, did shoot at a certain boat, within the limits of the said port, against the statute.

A second Count, For that they, on the same day, being on board of a certain other vessel, called the Mary, on the sea, near Thornham, in the same county, with

force and arms at Lynn Regis, on the sea aforesaid, within four leagues of the shore, certain guns, to wit, two guns loaded with gunpowder and leaden shot, did shoot on a certain boat.

A third Count, For being on board the same boat, and in the same situation as in the first count, with four guns loaded with gunpowder and leaden shot, did shoot at William Vitty, one of the officers of his Majesty's Customs, attempting to go on board, in the due execution of his duty.

A fourth Count, Describing the same situation as in the second count, for that they with four guns loaded with gunpowder and leaden shot, unlawfully, feloniously, and maliciously did shoot at the said William Vitty, attempting to go on board.

A fifth and sixth Counts, like to the third and fourth, for shooting at William Vitty, in the due execution of his office, omitting that he was attempting to go on board the said vessel, called the Mary.

Counsel for the prosecution.

Mr. Attorney General.
Mr. Wood.
Mr. Fielding.
Mr. Litchfield.
Mr. Garrow.

Counsel for the prisoner Breeze.

Mr. Knowlys.

The indictment was opened by Mr. Garrow: and the case by Mr. Attorney General, as follows—

Mr. Attorney General. May it please your lordship. Gentlemen of the jury; I have thought it necessary to bring these two prisoners before you, namely, Robert Breeze and John Hart, for the commission of an offence, which must deserve a severe reprehension; the offence of using fire arms, and shooting at a boat, in the service of the revenue; and likewise at an officer in the execution of his duty; gentlemen you will agree

agree with me, and I dare say, you go before me, in the observation, that the use of fire arms differs most materially from any other obstruction of the revenue; because it is not possible a man should be protected otherwise than by using fire arms against fire arms; and by that means introducing bloodshed; and perhaps the necessity of introducing those who best know the use of fire arms; and by that protection which the law provides: gentlemen, if the last species of protection is in due and fitting cases in time given, it will answer the end of all human punishment; namely, that of mercy to numbers, tho' perhaps of severity to individuals: for if some are deterred from that species of obstruction, which may possibly introduce that which I have alluded to, it may operate with a salutary effect to deter other persons: gentlemen, in the present instance, I would generally state to you, that this is not the sort of a case that some times happens; namely, that a quarrel, small in its origin, may, by the heating of men's minds, rise up to a pitch that was not intended; but you will find, that the intention to use fire arms was deliberate; that the arms were provided at Rotterdam, for the purpose of resisting the officers, if they had met any, and here the first thing that took place, was to fire on any officers they might meet, and they shot one man in the shoulder: gentlemen, on the 4th of November, 1789, a revenue officer, of the name of Vitty, was informed a vessel was expected that night on the coast; he went into a boat, to see whether this vessel had any illicit cargo on board, and it happened that it was so: the night was peculiarly favourable, and particularly bright; they were enabled very easily to discover the vessel, upon this they made towards the vessel, and on coming within thirty or forty yards of it, they were asked who they were: gentlemen, they had understood, that the crew on board, were to be met by a person of the name of Ringwood, who had property on board that vessel, and they masked themselves under the name of Ringwood, and said it was Ringwood's boat. [Here

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the witnesses were ordered to be examined separately]. Gentlemen, upon saying they were Ringwood's, they were invited on board, but having got nearer the vessel, they directed the vessel to bring to; upon this, the vessel fired on them, and the consequence was, one man was shot in the shoulder; the persons on board the vessel could easily distinguish that they were a Custom-house boat, and the men were determined not to proceed any further, but rowed back immediately; the vessel therefore with the cargo escaped, and they effected the purpose for which they made the resistance. Gentlemen, the sum and substance of the whole is this, that with deliberate intention, these people provided themselves with the means, and the only effectual means, of preventing the revenue officers from doing their duty; you know the dangerous nature of their employment, and it is necessary these officers should be protected, and that this case should be made out in a full, and clear, and satisfactory manner to your understandings; if it is, you will be under the disagreeable necessity of pronouncing a verdict against these persons; but if it should so happen, contrary to my expectations, that there is any ambiguity in the relation, or any uncertainty in the case, you will avoid doing that which is a much greater evil than that these men should escape, namely, that of giving a verdict against men, against whom there is no satisfactory evidence: gentlemen, I trust this case will be made out; but it becomes me to shew you what the witnesses are; one of the witnesses is subject to exception, or at least subject to much scrutiny, being one of those that were on board the vessel; cases like these make it necessary to have such assistance, but he must be very narrowly and carefully watched by you, and if this man was the principal witness, or if he was unsupported by other testimony, unquestionably I should have hardly thought of giving you this trouble; nothing but extreme necessity could have induced me so to do at any rate, but in fact, he is but a confirmatory witness, for you will find by the evidence of Vitty, that they could with ease

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discern

discern who the persons were, that were on board the vessel, and you will hear who they were, from one that was invited to go on board; he declined, and he afterwards, in conversation with his fellows, learned from them all the circumstances of the transaction, therefore you have that testimony which will be corroborated by the testimony of all the persons on board: gentlemen, if this story is confirmed in the manner I expect, it will, I hope, be of use, in order to prevent confusion, contest, and bloodshed, on any future occasion; gentlemen, this is the nature of the case, and I shall call the witnesses to prove it.

WILLIAM VITTY *sworn.*

Examined by Mr. Wood.

I am surveyor of the customs; I was at Thornham, Norfolk, the 4th of November, last year.

Tell us whether on the 4th of November, you went out, in order to meet a sloop called the Mary?—I did.

Tell us how you proceeded?—On the 4th of November, about six in the evening, I had information that the Mary, belonging to John Clarke, of Hunstanton; one Henry Graver, master; was then on the coast, with a cargo of smuggled goods; I live at a place called Holme, from thence I went to Thornham, to call one of my officers; we went then and hired a boat, and four men; John Harris, Joseph Coston, senior; Joseph Coston, the younger; Simon Winterbourne, Coston; about eight at night, on the 4th of November, 1789; we went out to sea, from the east harbour of Thornham, in an open boat, when we perceived a sloop under sail, a little to the north of the harbour, which the sailors said they knew to be the Mary, belonging to Hunstanton, Henry Graver, master; it was a very clear moon-light night; the moon shone very bright, with that we rowed as fast as we could, after the sloop, in hopes to board her, by the time we got within hail of the vessel, the master called out to know what boat it was; I knew the master very well, his

name is Henry Graver; John Harris, one of my assistants, said it was Ringwood's boat, the master then bid us come on board, with that we rowed as fast as we could towards the sloop, when we came within the distance of thirty or forty yards; I called out to the master, to bring to; I called him by his name; as soon as I had spoke, I saw the flash of a musket or a pistol, or something of that kind, and immediately after a second, and the report of a gun or a musket.

Jury. Could you distinguish whether it was a pistol or a gun?—I could not at the distance I was, which was about thirty yards; the ball came close past my ear; I heard it hiss as it past me.

Court. At the distance of thirty yards, if it had been a pistol, could you have heard the hiss of it?—I do not know whether it was a pistol or a gun; I rather think it must be a gun; I could not tell: a second and a third gun were fired, which hit Jack Harris in the shoulder, and one ball came right thro' his arm, and another stuck in his shoulder; he called out he was sadly wounded, as indeed I was sure he must; a fourth gun was fired, which appeared to have a great many balls in it, for they rattled very much in the boat, with that I returned the fire with a musket; I had two small muskets and two little pistols; we had no more ammunition, so we could not reload again; and two of my assistants called out, we shall be all murdered, and would not row any further nearer the vessel, but rowed back again from the vessel; with that we received two more fires, after we returned from the sloop; the sloop bore away; and we rowed towards Thornham harbour again, we soon perceived a boat coming from the west harbour; one John Ringwood was on board, and another man called long Tom, what his name was, I cannot tell.

Did you observe how many men there were, that were on board the sloop?—I could perceive five plainly.

Did you know any of them?—None but Henry Graver; I had not been long in the country.

Did

Did you know him well by sight?—I knew him perfectly well, and he knew me very well; it was so light we could read the name on the stern very plain.

What distance was the sloop from the shore, when she fired?—About a mile.

Is it within the limits of the port of Lynn?—Yes; within the limits of the port of Lynn.

For what purpose was you going on board this sloop?—To take her as a smuggler.

Mr. Knowlys, prisoner Breeze's Counsel.

The nearest distance that you was, was thirty or forty yards?—Yes.

How long do you think this might take up?—After I called to them to come to, Graver knew me very well, and the shot was fired immediately.

How long do you think this might take up?—Very little time.

You were glad to sheer off, no doubt?—After we got the man wounded, we were glad; I would have staid, but could not.

Where do you live?—I live two miles from Hunstanton, and two miles from Thornham.

This was so late ago as November, 1789?—Yes.

Breeze I believe was not taken up, till May following?—No.

I believe you know Breeze lived at Hunstanton?—Yes.

Had you been there frequently between the 4th of November, and May?—Frequently.

Had you seen Breeze frequently in that time?—I had seen him, but did not know him.

Therefore you knew perfectly well, that Breeze was at Hunstanton?—As far as I knew.

How many times did you see him at Hunstanton?—I cannot say; I did not know him.

Therefore you have seen Breeze at Hunstanton several times?—I have, several times.

And he, as of course every body in that

part of the country did, knew that you was a custom-house officer?—Certainly.

Was he taken at Hunstanton? Yes he was, by a warrant.

I believe he was in custody at Norwich, and to be tried there, but the trial was put off, on affidavit of the absence of Harris?—Yes.

Do you know where Harris was?—He was at sea, somewhere.

I rather think he was at Norwich, at that time?—He came to Norwich that very night it was put off.

JOHN HARRIS sworn.

Mr. Fielding. You was an assistant to Mr. Vitty, on the 4th of November, 1789?—Yes.

What time in the night was it, that you went on board the boat with Mr. Vitty?—It was between seven and eight, when we first went on board the boat.

How many people were in the boat?—There were six of them.

Do you know the names of them?—I know four of them.

Repeat the names of those four?—There was Mr. Vitty, John Bunn, Joseph Coston the elder, and Joseph Coston the younger, and me.

Do you remember the name of the other man?—There was another Coston; there were three Costons.

When you was in the boat, how far did you go from the shore, before you came up with the sloop?—It might be the course of a couple of miles.

Then you came near to a vessel?—Yes.

Do you know what the name of the vessel was?—The Mary.

Did you see her name on the stern?—Yes.

When you got towards her, was any thing said to you from the vessel?—They hailed the boat; they asked what boat it was.

Did you hear them distinctly?—Yes.

What distance was you from them?—It might be about forty yards.

What answer did you make to them?—I made

made the answer in John Ringwood's name.

You made the answer, and said it was John Ringwood's boat?—Yes.

What immediately followed upon that?—They bid us come along-side.

Jury. Can you speak with precision, Harris, that you suppose you was above two miles from shore?—I cannot tell.

Recollect yourself, and speak with deliberation?—Above a mile, it was one or two miles, but I cannot tell to a little, I am sure.

Mr. Fielding. Are you any judge of the distance you stood from the shore, or do you speak with any correct knowledge of the place?—We were between one and two miles from the shore.

Not more than two, you think?—No; I think we were not.

Court. They bid you come on board?—Yes.

Mr. Fielding. Do you think you know the voice of the person, that bid you come on board?—Yes; I think I do; I think it was the master of the vessel.

Who was he?—Henry Graver.

You think it was his voice?—Yes.

Did you know Graver before?—Yes.

Where did he live?—He lived in Thornham, where I live.

When they told you to come on board, what did they say to you?—They told us they expected a custom-house boat.

Court. What did you say?—At first they asked what boat it was; and I answered them, John Ringwood's; so they told us to come along-side, for they expected a custom-house boat.

They said so?—Yes; they were afraid of it.

Was any thing more said between you, before you rowed to the vessel?—No; we pulled towards the vessel immediately.

How much nearer to the vessel did you get, from this time, before any thing happened?—Before any thing happened, we might get the space of ten or a dozen yards.

Court. Then did you say any thing to them?—Then Mr. Vitty spoke, and told

them to heave to, or else he should fire into them.

Did he say who he was, or what he was?—Sir; they distinguished him, and knew who he was, they said that was Mr. Vitty sitting on the stern; I cannot tell who said it, but it was spoke.

What followed upon this?—A gun flashed, but missed fire, then they fired a pistol, and then after that they fired another; they fired off two, and then they fired a third gun, a musket, at me, that wounded me; I do not think they fired any more.

Whereabouts was you wounded?—In the left shoulder.

Did the ball lodge, or go through?—It is in my shoulder now.

Did you feel the wound immediately?—Yes; I felt it very much.

How near do you think you was, at the time you was shot?—About thirty yards off the vessel.

It was a moon-light night?—Yes; very bright indeed.

You had seen the name on the sloop before you was wounded?—Yes; Mr. Vitty saw it, and we all saw it.

Then you got nearer to the vessel when you was wounded?—Yes; we pulled two or three strokes after.

Were you near enough to the vessel, to distinguish the people on board?—Yes; we were.

You have told my lord before, that you knew Graver by his voice?—Yes.

Did you know him by looking at him?—He was standing by the stern of the vessel.

Then you knew that was Mr. Graver?—Yes.

Now look at the prisoners at the bar, do you know them?—Yes.

Do you know them both?—Yes; one is Breeze, and the other is Jack Hart.

Did you see either of them on board the vessel at that time?—Yes; I think I saw Hart standing along-side of Graver.

Did you see Breeze on board the vessel?—Yes.

Whereabouts was his situation?—He was just by the quarter deck.

Did

Did you distinguish what he was doing, or had done?—I distinguished him so much, that I saw Breeze go off the quarter deck with a musket.

Did you see what he did after he got off the quarter deck, and had this musket in his hand?—He fired it off, he laid the musket on a rail, and fired it off.

When you saw him lay the musket on the rail, and saw the flash, what became of that ball, did you know?—I felt the smart as soon as the report of the gun was.

Was that the gun from which you received the wound?—Yes; the third gun.

That was the gun, then, that wounded you?—Yes.

Hart, you say, stood next to Graver?—Yes.

Do you know what he did?—He flashed the first pistol.

Court. Hart stood next to Graver?—Yes; close to the cabin house.

Mr. Fielding. Did you observe yourself to see any thing more?—No.

Did you hear any thing more pass on board the vessel, from Graver to the men or the men to him?—No; immediately upon this, the boat was pulled round, and we went on shore.

Was you wounded in more than one place?—No; another ball went thro' my jacket, but never touched my flesh no where, that I could perceive.

Was that ball from the same piece, at the same time?—Yes; they were both from one piece, they fired them very slowly.

Now my man, I will only ask you, you say it was a very moon-light night?—Yes.

I will ask you whether you can say that your recollection serves you to say positively, that you could see the persons that were on board the ship?—Yes.

Mr. Knowls. It was so light, that you saw the name of the Mary, on the vessel?—Your Honor, I cannot read, but I know the vessel very well.

Did not you tell us just now, that you read the name on the vessel?—I could see the letters, but I could not put them together.

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You say that you saw the letters, but could not put them together?—Yes.

Then by seeing the letters, did you know that it was the Mary?—Yes; I know the vessel.

Did you know the vessel by seeing the letters?—Yes Sir; there was the same letters as was on the vessel, they were painted with white; I know it was the Mary by seeing the same letters.

Did you know the vessel by seeing the letters?—No; your Honor, not only by seeing the letters, but by seeing the vessel.

You say, when you first came up to the vessel, they called to you, and asked what boat it was?—Yes.

Now when you came to, you say Mr. Vitty told them they must heave to, or they would fire into them?—Yes.

That, you are sure Mr. Vitty said?—Yes.

Then you are sure, that before any thing else passed, Vitty said to them, heave to, or I will fire into you?—Yes; before they fired upon us.

And you are sure, that Vitty made use of that expression; that was the first beginning of it?—Yes.

We have not learned that from him; now you say, that you are sure, that the people distinguished Vitty, for they said that is Vitty, that is standing on the stern of the boat?—Yes.

That you are sure of?—Yes.

I take it that was said loud enough for every body in the boat to hear?—Yes.

They pointed and said that is Vitty, that is standing on the stern of the boat; every body on board your boat might hear it?—I cannot tell whether every body on board heard it, but I heard it; I was standing right forward.

Was it spoke loud enough for every body to hear it?—Yes; it was spoken loud.

Now you are sure it was the third gun that hit you?—Yes.

The third gun was the last gun that was fired?—There was another after they turned the boat round that did not hurt us.

C

You

You told us there were six people in the custom-house boat?—Yes.

Then there were only five people on board the Mary?—Yes, there were six of them.

That you are sure of?—Yes.

Every body might see there were six?—Yes.

You are sure it was the third gun that hit you?—Yes.

These people were all on deck, were they? This was a deck vessel?—Yes.

All the six people were on deck?—They were on deck some time, some of them went below.

Were they all on deck at one time, so that you could very plainly perceive there were six?—Yes, there were.

That you could plainly see from your boat?—Yes, it was very bright, indeed.

Where do you live?—At Thornham.

How far is that from Hunstanton?—Four miles.

Do you know Hunstanton well?—Yes, I have been there frequently.

Was you there after this matter happened?—I was not there at all to the best of my knowledge.

Was not this man, Breeze, in Norwich gaol last summer?—Yes, he was.

He expected to be tried?—Yes.

I believe you went into Norwich gaol, did not you?—I went in to speak to one Dennis.

Now I ask you this upon your oath, did not you declare in Norwich gaol, that a man there of the name of Hook was the man that struck you? and I will call two persons witnesses; did not you declare in Norwich gaol, that a man of the name of Hook was the man that shot you?—No, my Lord, I was very fuddled when I was there; I do not know that I ever saw such a man; I just saw Breeze in the yard one morning.

What did you go into Norwich gaol for?—To speak to the two Dennis's that were there.

Were they acquaintances of yours?—Yes, very old people.

Were they prisoners?—Yes.

What for?—They were bound for their son.

And they were there for debt?—Yes.

When you went there, they were on the debtor's side; how came you to see Breeze?

—I was walking about there a good while.

Have you a clear recollection that you was walking about there a good while?—I was walking out of one room into another, but I was very fuddled.

What did you go to the Dennis's about?—

I just went to speak to them as neighbours do, to let them know their wives were well.

Did not you there declare that one Hook was the man that shot you?—No, your honour, I never said such a word; I said that how I would freely forgive this man; I did not want to hurt him, I am sure.

Did not you declare there that one Hook was the man that shot you?—No, Breeze, I said was the man.

And you said, in the gaol that Breeze was the man that fired the gun at you, and shot you?—Yes; I am not sure that I said so at the time; I was very fuddled, but the people tell me so since.

Did you, in the gaol at Norwich, last summer declare, that Breeze was the man that shot you?—No, I did not.

Did not you declare, and point to the man, that Hook was the man that shot you on that occasion, on the 4th of November?—If I did I was greatly mistaken.

I ask you, if you did or did not?—I am not advised of it; and I do not think I did.

Will you swear you did or did not?—I cannot say, I was fuddled; I should be very loth to take a false oath; I am sure I would not not do it for the world.

Will you swear that you did not there declare that Hook was the man that shot you?—I will not; if I did, it was not to my knowledge.

Was not the trial at Norwich put off on account of your absence?—So I have understood, I do not know.

And was you at Norwich during the assizes?—No, I came from Swansea.

Upon

Upon your oath did not you go into the gaol at Norwich, to see the person who was confined on this charge, and had been concerned in this transaction?—No, that I did not.

That you swear you did not?—I knew the man before for several years.

Did not you go to see the person that was confined on this charge, to tell whether you could know him or not?—To the best of my knowledge I never asked for the man.

Do you recollect perfectly the errand for which you went to the gaol?—I know that the coachman told me, who carried me up, that I went to enquire after the Dennis's; I was so fuddled that I did not know how to walk in the gaol.

Why you walked about the rooms, you have just now told me?—I went into the room where Miles sleeps, he is the man that drew the beer.

Are you sure that you was with Miles on that occasion on that day?—Yes, I might, but I do not know that I did that day, when I went into the prison at first.

Were you in the prison more than once?—Yes, I was there twice; I went once to receive a letter to carry to Dennis's wife.

Court. What was the purpose that originally carried you to Norwich gaol, or to see whom?—To see the Dennis's.

That was the reason that carried you there?—Yes, the whole reason.

Mr. Knowlys. They desired you to call for a letter to carry to their wives?—They sent a man to me the next morning to tell me to call.

Did you know a man of the name of Hook?—No, I did not.

You have never seen a man of the name of Hook?—Yes, I saw a man at Wells of the name of Tom Hook, a carpenter.

Do you know no man of the name of Hook now?—No, not the best of my knowledge.

Not in Norwich gaol?—No, I did not.

Did you know a Hook at Hunstanton?—I may know the man by sight, but I did not know the name.

Who else did you see in the prison the day you went to see the Dennis's; did you see Mr. Simpson?—Who is that?

Why the turnkey?—Yes, I must see him; somebody let me in.

Why, do not you know Mr. Simpson the turnkey?—Yes, I knew one of them; he is here.

Did you know that man before?—I once saw him before, but I did not know him that day.

Will you swear you had no conversation with Mr. Simpson that day that you called on the Dennis's?—Not to the best of my knowledge, I had not.

Did you see a man of the name of Lawes there?—No, I do not know that I did, I might, I cannot say, I am sure.

Mr. Fielding. You went to prison for the purpose of seeing the two Dennis's?—Yes, I did.

You was very fuddled when you went to prison?—Yes, I was very fuddled when the man first took me; I was fuddled when I went into Norwich.

And was you more fuddled when you went into the prison?—Yes, I drank in Norwich.

Did you get any more liquor when you went into the prison?—Yes, I did.

You do not remember having accused a person of the name of Hook being the man that shot you?—No, I do not.

When you was on board this boat, you was in the bow of the boat?—Yes.

Then you was the nearest man to the vessel?—I was.

You had known the sloop before, and seen her after?—Yes, I had been on board of her.

And although you could not read, yet the mark in her stern was the mark by which you knew her?—Yes.

Now I will ask you again, after all you have heard, after all the questions that have been asked you, are you sure that Breeze was the man that fired the musquet, by which you think you was wounded?—Yes, I saw it in his hand, and he laid it across the rail.

JAMES MARCH *sworn.*

(Examined by *Mr. Litchfield.*)

What are you?—A labouring man.

D.

Do you know the prisoners at the bar?
—Yes, I know one of them perfectly well, but I am not perfect to the other.

Which of them do you know?—I know Robert Breeze.

Do you remember being in company with Robert Breeze any time in November 1789?

—I cannot say rightly that it was 1789.

Was it the last November but one?—Yes, it was.

Where was it?—At Hunstanton.

Do you recollect what the day was?—I cannot say exactly what day it was, but I think it was on Gunpowder Treason.

Was it the day after this transaction happened between the sloop Mary and the Custom-house boat?—Yes, it was the day after it was reported.

Had you any conversation with him about that transaction?—Yes, we talked about many sorts of things.

Recollect, as well as you can, whether he said any thing, and what he said relative to the sloop Mary?—Yes, he told me he came on shore at a place called Hulcombe Bar; he did not tell me from what vessel.

Court. Did he tell you when he came on shore?—No, he did not; he only said he came on shore from Hulcombe Bar, without saying when or from what place.

Mr. Litchfield. He did not tell you in what vessel he came ashore?—No, Sir, nor when.

Had you any conversation with him, respecting the Custom-house officers?—Yes.

Relate, as accurately as you can, what that conversation was?—He told me that he shot at a boat, that he supposed was a Custom-house boat.

Court. Did he say when?—No.

Had you any conversation about a thing that had happened lately, or a thing that had happened ten years ago; what did your conversation turn upon?—Why, my Lord, it was about a vessel that had lately fired on the Custom-house officers.

Mr. Litchfield. How lately?—I cannot say; he did not exactly say what time it was.

Did he say who was in the boat?—No,

he did not, to my knowledge; but he said he supposed it to be the Custom-house boat.

Did he say what vessel he himself was in?—No, he did not mention the vessel.

Did he say in whose company he was?—No, he did not, to my knowledge.

Recollect yourself, Mr. March, remember you must tell us the whole truth?—Yes, I will tell you the truth as far as I know.

Well do then; did he mention any other person's name that was in company with him at the time he fired on this boat?—He told me he was along with one Graver, that one Graver was master of her.

Master of her; what did you understand by her?—Master of the vessel which he was on board.

What led to this conversation between you and Breeze?—Led! Sir.

What occasioned it; what brought it on?—By reason I had some goods in this vessel, and I went to his house to hear.

In what vessel had you some goods?—It was a vessel that Graver was master of.

What is her name?—They call her the Mary.

And you had some goods on board the Mary, and you went to Breeze's house to hear of them?—Yes.

Then you had not much doubt about what vessel he was talking of?—I paid very little regard to it, but I knew what vessel he was mentioning.

Now the next day, recollect yourself, and tell me whether you did not go on board this vessel?—Yes, I did; it was the Saturday after Gun-powder Treason, that I went on board of her.

That was the next day?—I cannot say as to the next day.

Who did you see when you went on board of her?—I saw Henry Graver, and one Smith, and one Scott, and one Miles.

Were they part of the crew, or did they belong to the vessel?—They belonged to the vessel.

Was there any body else?—Yes, there was one Jack.

Is that Jack, that is standing there?—I do not know, Sir, I cannot tell,

Look at him?—I cannot be sure; I saw him but once, and then it was dark; that is, it was moon-light, and I cannot tell.

Look at him again, and tell me whether you saw that man on board, whatever his name may be?—I cannot say.

How long did you stay on board at that time?—I staid the biggest part of the night, all the night after I went on board.

And you saw all the crew that were on board?—Yes, I did.

Do you remember having any conversation with any part of the crew at that time?—Yes, I know that Graver and some of them were talking about whether I had heard anything on shore.

Mr. Knowlys. Was that in the presence of either of those two prisoners?—I did not see Breeze there.

Nor Hart?—Yes; Hart I do not know, they call him Jack.

Jury. Did you know Jack at that time?—I did not.

Mr. Knowlys. I submit that is not evidence against this man.

Court. You have evidence that Graver was the captain, but what he said cannot be used as evidence against these men.

Mr. Fielding. We wish to inform you of the whole transaction, namely, of the knowledge that this man had of it.

Court. It either signifies something or nothing; if it applies at all to either of these prisoners, what another man said, as tending to prove the fact upon the prisoners, I apprehend cannot be evidence.

Mr. Litchfield. If we shew that Jack was on board, then it will be evidence.

Mr. Justice Buller. How far you may make it evidence by intervening evidence is not before the Court now; but the point is settled, that what a man says about a person who was not present, is not to be received as evidence against that prisoner.

Mr. Litchfield. You did not know Jack before?—No.

Mr. Knowlys. Now we are in December?—Yes.

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It is a long while ago that you are talking of?—Yes, it is.

When were you applied to, to recollect any conversation of this sort?—What, of these people.

Yes?—I cannot say when it was.

I take it that is a particular thing; have you often been witness in a court of justice?

—No, Sir, never before this time.

Cannot you recollect what time you was applied to, to be a witness?—I cannot indeed; I think I was applied to in June following.

In June?—Yes, I believe it was in June.

That you are sure of?—Yes, I am sure it was in June.

Mr. Litchfield. Where did you expect your goods from?—From Rotterdam.

Was you ever applied to, to go on board this vessel the Mary, by Graver?—Yes, I was asked to go over with her.

What were your reasons for refusing to go on board?

Mr. Knowlys. I submit that is not evidence.

March. I refused, because they put it to me, that they meant to have some guns, and I did not like it, and I would not go.

Mr. Knowlys. Breeze lived in Hunstanton; did not he?—Yes.

He was there publicly seen by every body?—I cannot tell that.

Do you live at Hunstanton yourself?—

No, Sir, I live ten miles off.

Had you seen Breeze before he was taken up?—Yes, Sir, frequently, I saw him in his own house, when I saw him.

He has a wife and four children?—I cannot say how many children he has.

You know that the shooting with fire-arms was a capital offence?—I thought it was a thing that I should not have done.

You know very well that it is an offence for which a man is liable to be hanged?—

Yes, it is so reported.

Was you ever in conversation with a man who told you he had committed a murder?

—No.

Never?—No.

D

Was

Was you ever in company with a man who told you he had committed a highway robbery?—No.

This man was telling you, glibly enough, that he had been guilty of a capital offence?—Yes, he said he had shot from the vessel.

That made no impression on your memory?—Yes, I thought about it.

But not so far as to take any notice of dates, or places, or any thing of that sort?—No.

Pray what may you be?—I am a labourer, I go to sea now.

In what way do you go to sea?—In a smack of my own, a little sloop.

Was you in any visible way of employment last year?—Yes, I was a day labourer, and the things helped me that I sent for over.

Did you get your bread as a day labourer?—Yes, and it was labour for these things helped me.

So you dealt a little in smuggling?—Yes. Upon your oath now, did you work as a day labourer?—Yes.

How often in a week?—I cannot say that, some weeks I laboured the whole week.

You, I suppose, took your leisure about day labouring?—Yes, Sir, I worked when I was forced to it.

(March ordered out of Court.)

THOMAS SCOTT sworn.

Mr. Attorney General. What are you?—A labouring man.

Do you go to sea?—I was at sea twice. Where were you on the 4th of November, 1789?—I do not know the day of the month.

Was you at sea or on shore the beginning of November, 1789?—Please you, I am no scholar, I did not keep an account of the time; I was at sea after last Michaelmas was a twelvemonth.

Where did you go to?—To Holland.

What part of Holland?—Rotterdam.

On board of what ship?—The Mary.

What time did the Mary return?—After last Michaelmas, about a month or five weeks; I cannot speak to the day, because I am no scholar.

Who was the master of the Mary?—Henry Graver.

Who were your ship-mates, who were the others on board?—Bill Miles, John Hart.

Court. What, that man there?—Yes; Robert Breeze, Thomas Scott, and Henry Smith; there were no more on board but myself.

Then there was no more men on board of the name of John, but John Hart?—No, Sir.

What did you usually call him?—Jack Hart.

Were you on the coast of Norfolk?—Yes, near Thornham.

What time of the evening was it?—It was the fore part of the evening, but I cannot swear to the hour, because I had no watch.

Did any boat come to you on that evening?—Yes.

What boat was it?—It was a boat with some officers in it.

What do you mean by officers?—Custom-house officers; they did not come on board though.

How near did that come to you?—Between twenty and thirty yards, as near as I can guess.

Between twenty and thirty yards you think?—Yes.

Did you see who was in the boat?—Yes; I saw there were some men in the boat, but I could not tell who they were.

What passed when this boat came up?—When we first saw the boat, we hailed them, and asked what boat it was.

What answer was made to you when you hailed them?—The answer was, it was John Ringwood's boat.

Was any thing said in return, when they said it was John Ringwood's boat?—When we came nearer, somebody in the boat said, heave to; and with that Henry Graver said there

there is Vitty, fire; and John Hart fired a pistol, and Robert Breeze fired the musket, and John Hart fired the pistol again; after he had fired again, he was going to fire a third time, and I got hold of his arm, and said, pray John, do not fire any more; then we bore the vessel away to the Lincolnshire coast.

Do you know where these fire arms were got, or the ammunition was got?—They were both got at Rotterdam, both the arms and ammunition.

What arms were there on board?—Only a pistol and musket.

What sort of weather was it?—It was clear weather, a very fine evening.

How was the moon?—The moon I cannot speak to; it was light, but whether it was the moon or not, I say it was not very dark, a fine evening; but I forget whether it was moon-light or not.

Where did you land your cargo?—We landed part on Snatcham Beach, in Norfolk.

What did it consist of?—Gin, small kegs of gin.

Where were the rest landed?—About a score were landed at Hunstanton.

Do you know a person of the name of March?—Yes.

Do you recollect seeing him on board the Mary at this time?—Yes, he came on board at Hunstanton.

Who was on board at the time he came on board?—I was on board; Jack Hart was on board, Henry Graver, Will. Miles, Henry Smith; Breeze was not on board then.

Do you remember any talk about this matter, that Jack Hart was present and heard, when March was on board?—They talked about it to March in Jack Hart's presence, so that he might hear it.

What was the talk?—I cannot tell you all the talk they had together about the officers coming, and such.

Such as you can remember you will tell?—They told James March about the officers coming on board, and that they fired at them and kept them off.

Jury. Pray Sir, tell us whether or no those two pistols that were fired by Hart, were small pistols or large ones?—They were pistols about an arm's length.

Was that near enough to do execution?—I do not know what a pistol will do, they were good large stout pistols; I do not know the consequence of a pistol.

Did Hart fire the same pistol twice?—Yes.

Do you say that there were no more than three fires?—No more than three.

Mr. Knowls. So the evening was not very dark?—It was a fine evening, but whether the moon shone, I cannot say.

Could you see your hand?—Yes.

You heard them say they must heave to, or else they would fire into you?—I heard them say heave too, I did not hear the other.

Where did you come from to give your evidence; where did you come from last into this Court?—From Norwich.

No, but you came from Newgate, did not you, here?—Yes.

From what part of Norwich did you come from to Newgate?—I know nothing about Norwich.

Did not you come from the gaol of Norwich?—Yes.

They were going to hang you for this; was not they?—I was taken up.

You expected to be hanged?—I did not do any thing to be hanged for; though it was done, it was against my will.

Upon your oath, have not you said, that you should be hanged, unless you could give evidence against any body?—I never said such a word in my life.

You are perfectly sure of that?—Yes.

You cannot be mistaken in that?—I am not mistaken.

And you know very well you would have been prosecuted for a capital offence if you did not give evidence?—I know it was contrary to my will, and I sent to the gentlemen directly.

Now, that is every thing but an answer; I ask you if you did not expect to be prosecuted unless you gave evidence; do you understand me?—No, Sir.

Then

Then I will explain myself, and speak a little louder; did not you expect to be hanged, unless you gave evidence?—I do not know the consequence of such a thing.

Do you mean to say, man, that you, being concerned in smuggling, did not know that it was a capital offence to fire on custom-house officers?—Certainly it is a bad fact.

Do not you know it is a fact that affects people's lives when they are convicted? Look at the Gentlemen of the Jury, and speak out; why do you hesitate, man? I will give you as much time as you like; I will repeat the question.—I hope the law will be more merciful.

I dare say you, being an old smuggler, do wish it may be so; upon your oath, do you, or do you not, know that it is a capital offence to shoot at a custom-house officer?—Yes, I do; but I did not understand you, indeed.

Do you mean now to tell the Jury that you did not understand that question; was not you taken up for this offence?—I was taken up, and put into Norwich gaol.

Did not you expect to be prosecuted for that offence?—Yes; I know it is at your mercy.

You know you are not to be prosecuted; as you have given evidence, it would be very wrong you should; you know you are King's evidence, and you are not to be prosecuted?—I do not know that I am not, I am sure.

Court. You do not expect now to be prosecuted?—I hope in God I shall not.

And you give your evidence now under that hope, do you not?—Yes, I do.

Mr. Attorney General. My Lord, I have done.

Prisoner Hart. I have nothing to say.

Prisoner Breeze. I was not there at the time the accident happened, nor do I know any thing about it.

JOHN SIMPSON *sworn.*

Mr. Knowls. You are the turnkey of Norwich gaol?—I am.

Do you know Harris?—From his com-

ing into the gaol to speak to Breeze; this is the man.

Was he ever in Norwich gaol at the time that Breeze was in custody there?—He was: an affidavit being made in Court, when Breeze should have been tried, that an evidence was at sea, the trial was put off; that evidence was Harris: the prisoner was then told by the counsel, that he might be bailed out at the next assizes; on my going to the learned Judge, to inform him that bail was ready, his Lordship informed me there was a mistake, he must remain in prison; on my return back, I found Harris in the prison, and he being a stranger, I asked him who he was, and what he wanted; he said, he came to speak to Breeze; says I, have you ever seen him? he said, yes, here he sits; and that was another man, and not Breeze; the man's name was Hook, he was along with the debtors, he was a stranger to me.

Was Breeze present at that time?—He was not present; for we never suffer any body to speak to a felon but in the presence of the turnkey, in our prison.

In your judgement was the man so drunk at that time that he did not know what he was about?—I do not know, Sir, but he might have been drinking; but I asked him why he was not there the day before, and he said it was late before he came into the town.

That was a sensible answer to that question?—Yes; another witness, who you will call, will prove that he got a lodging for Harris.

Did he appear to be in a drunken, insensible state, not to know what he did?—No, Sir; he did not appear so to me, indeed; he appeared to be come from a journey, but he did not appear to be so drunk and insensible; I asked him personally, myself, says I, how long have you known Breeze? his answer to me was, three or four years; I then told him that was not Breeze; he told me he knew Breeze better than I did.

You are in a place of considerable trust, how long have you been in that place?—Ten years; I believe I am pretty well known
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to some of the Gentlemen at the Bar, and to the learned Judge.

I believe Scott was in your custody?—He was.

Did you ever hear him say any thing respecting his giving evidence?—Yes; we had an order to keep Scott separate; the gaol being in a state of repair, we were obliged to lock him up in a room by himself; Scott asked me to let him out into the yard an hour or two in a day for the benefit of his health; I told him I dare not do it without the order of a magistrate; because, if any thing should be done to him, any personal hurt, we should be deprived of an evidence for the crown: he said he hoped the poor men would not come to any hurt, for if he did not swear against somebody, he should be hanged himself; and that he should not have said any thing, if his wife had not persuaded him, that he might come home to his family: I said I thought it very strange that Breeze did not flee for it as well as he had done; for Scott had fled the country, and he and Hart were taken up on suspicion of a robbery; that was the way they came to be taken up: his answer to that was, he did not know any thing he did; he hoped the poor man would not come to any hurt, for the sake of his babes.

Are you quite sure he made use of that expression, that if he did not swear against somebody, he should be hanged himself?—I hope I know better than to come into a court of justice to say any thing that is not true.

That is to the best of your recollection?—Them were the words he made use of.

Did Harris say any thing about Hook before you mentioned the mistake to him?—No, he did not.

Did you know Breeze?—I never knew him till he was brought into custody.

You do not know, in point of fact, whether he did stay at home or not?—I do not.

Mr. Attorney-General. I know you perfectly well; but I will ask you a few questions: the truth is, that you apprized Harris of his mistake?—I did, Sir: Hook was not

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a debtor, but he came in to see the debtors; but I have since heard that Hook was a brother-in-law of Breeze's; Hook is a man perfectly well known, he belongs to Thornham.

Still he persisted in it, that that man was Breeze?—He did; and he acknowledged since the trial came on to two or three people who can prove it; he acknowledged he charged a wrong man: I said to him, how long have you known Breeze, John Harris? says he, two or three years: I should be very sorry to tell an untruth.

Harris. Your honour, I said I might do it, but I was so fuddled I did not know; I did not deny it to this gentleman.

Did he say he was drunk at the time?—No, Sir, he did not: he said so to me.

Did this Harris, in conversation with you just now, say he had been drinking?—Yes, he said that, and that he charged a wrong man: I knew none of the parties but Mr. Vitty; I have known him for years; and a more respectable character, I take upon me to say, is not to be found in Norwich, or any where else.

You do not know where March had been before he came into the prison?—No.

Had he any liquor in the prison?—We do not sell any; our rules and orders are for debtors and their friends to be allowed one quart of beer a day for themselves and guests.

He was not then so disguised in liquor as not to give a reasonable answer?—I perceived the man was tired.

With respect to the expression that Scott used, if he did not swear against somebody, he should be hanged himself, did that give you the impression that he would accuse any body wrongfully, or that he should save himself by turning King's evidence?—Indeed I supposed, by what he meant by it then, that he meant he should save himself by turning King's evidence; it impressed me in that way; for I am always most willing to take the most favourable side.

Did it appear to you, that, although he knew nothing of the matter, he would swear what was untrue?—No, I cannot say.

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What impression did the other expression give you, that he should have said nothing about it, if his wife had not persuaded him; did you collect that he knew nothing of it, or that his wife had persuaded him to become King's evidence?—It struck me in the light that he would turn King's evidence, to get home to his family.

Mr. Knowlys. What passes in a person's breast you cannot tell?—No, Sir.

But he did say, that if he did not give evidence against somebody, he must be hanged himself?—He did.

Did you at all suspect, from Harris's appearance at that time that he made this declaration, that he was at all in liquor?—I do not think it; he came twice to see them, and there was a note that he sent, that he did not know them, and would not know them when he came before the judge.

Jury. How long did Harris persist in that error?—He went away in that manner: I sent for Breeze out, and brought him up among the debtors.

How came he to discover his error?—That was on the Friday; he came again, and signed a note; he did not see Breeze on the Friday again; I met him again on the Saturday, the 31st of July, in the market; I said, John, you must be very cautious of what you swear at the trial, for I shall certainly be obliged to swear; oh, says he, I do not care, I know him very well.

Do you think there is much personal resemblance between these two men?—Not the least.

Did he seem sober the next day?—Quite so; and so he was on the Saturday.

THOMAS LAWES sworn.

I am a worsted weaver; I was in the prison when Harris was there.

Did you hear Harris say any thing about Breeze, who Breeze was?—Yes; I was in a room where a man of the name of Miles slept, and there was a man of the name of Thomas Hook; this man he had taken for Breeze, as I understood, and called him Joe Breeze.

Now did any thing of that sort pass while you was there?—Yes, Sir, in my presence, not only once, but many different times, he called him Joe Breeze.

How long was you there?—It might be four or five hours.

He still called him Joe Breeze?—Yes.

Then in your judgement did he appear to be far gone in liquor?—He was when I first went into the prison, but he slept in Miles's bed I suppose two hours, and when he awaked he still persevered in calling him so; I then asked him, how long he had known Breeze; he said he had known him three years or more; I asked him if he was often in his company; he said many times in the course of that time.

Jury. Are you a housekeeper?—Yes.

Mr. Knowlys. Did he say any thing about this Hook?—He said, pointing to Hook, I am wounded, and you are the very man that wounded me.

Court. Did Harris, after he had slept there two hours, see that man again whom he called Breeze?—Yes; Hook did not quit the room.

Was it after or before he slept that he said to Hook, you are the man that wounded me?—Both before and after, not only once, but several times.

Are Breeze and Hook at all alike?—Not in the least, nor in size.

Cross examined by Mr. Wood.

What was Hook's Christian name?—Thomas: I asked him; he said his name was Thomas.

You say he was in liquor in prison?—I saw him in liquor when he was in prison; he was asleep for two hours, and with his eyes open, which was very remarkable; he was there till six at night.

Jury. Did you ever see Harris sober?—Yes, Sir; I saw him sober the next day in the prison.

Did he still persist in his error?—Equally so.

Court. Was Hook present the next day?—Yes, he was.

Mr. Wood. Did not you tell him, that Breeze's

Breeze's name was Robert, and not Joseph?—I did not tell him that, I did not contradict him in any thing.

Hook is Breeze's brother-in-law, is not he?—So I understand.

Jury. Are you related to either of the parties?—No, Sir; quite a stranger; I never saw either of them till they came to Norwich.

The learned Judge summed up the evidence; after which the Jury retired for half an hour, and returned with a verdict,

BOTH GUILTY, Death.

Tried by the second Middlesex Jury before Mr. Justice ASHURST.

Foreman of the Jury. My lord, it is the earnest wish of my brethren, and myself, that you will recommend the prisoners to mercy.

Court. I am desired to ask you, gentlemen, the reason you found your application on.

Jury. The reason we make this application is, the bad characters of some of the witnesses, and the notorious one of him who led the prisoners into this crime, and who has escaped justice.

33. GEORGE ABBERLEY was indicted for stealing, on the 8th of December last, one pint pot, value 1s. the property of Thomas Downes; and one pint pewter pot, value 1s. the property of Thomas Eve.

THOMAS EVE sworn.

I keep the Ship public-house, in Artillery-lane, Bishopsgate: the prisoner came between eight and nine last Wednesday evening, and called for a pint of porter; he sat some time; he told my wife that he had paid for the porter, and he ordered a glass of rum and water, and my wife gave him change for sixpence; I was coming by him, and I heard the halfpence rattle against the pot; that gave me a suspicion that he had the pots; there was a constable in the house,

and I acquainted him of it, and we searched him directly and found the two pots in his pocket; he had that pot of mine to drink out of; my pots are numbered, and I am sure that is my pot: he said that he was distressed.

ROBERT LE MAR sworn.

I am a constable; I searched this man, and found two pint pots; (*produces them*).

(*Mr. Eve deposed to his pot.*)

THOMAS DOWNES sworn.

This is my pot.

PRISONER'S DEFENCE.

I came from sea last Friday sevensight; I was rather in liquor, and I did not recollect any thing of the transaction; I told Mr. Le Mar that I was going to get a ship, and he said they would get a ship for me, and hoped they should hang me; there was a man that said he knew me, and desired him not to drag me along; he said he knew me in business for myself, and that I bore a good character: I have been a master cooper.

GUILTY.

Imprisoned one month.

Tried by the London Jury before Mr. COMMON SERJEANT.

34. ROBERT JONES was indicted for stealing, on the 10th day of December, 68 copper halfpence, value 2s. 10d. one sixpence, two chip boxes, value 6d. six two-foot rules, 2 lb. of wire, 12 penknives, 5 padlocks, 106 black-lead pencils, and divers other goods, the property of Messrs. Denham and Tappenden.

THOMAS DENHAM sworn.

I live in Foster-lane; I am an ironmonger; the prisoner was in our service, as a porter, near three months: we had some suspicion of the prisoner's dishonesty: on last Wednesday we told the money over, and

and we missed 2s. 2d.; on Thursday the money was marked; Mr. Francis Tappenden marked it; and on the Friday morning, after the prisoner had opened the shop, I called the prisoner into the counting-house, and asked what halfpence he had; he said, none; my partner hit his hand against his pocket, and some halfpence clinked; we sent for a constable, and his pockets were turned out, and there was 2s. 10d. that had the mark on them, and a sixpence not marked: the prisoner was sent to the compter.

Mr. Knapp, Prisoner's Counsel. What was the prisoner?—An out-porter.

When the halfpence were marked, did you lock the drawer?—No.

How long after you put them in was it till you missed them?—They were put in on the evening, and we searched him the next morning; there was 2s. 10d. found on him, and 1s. 2d. in the till, which made up the 4s. we marked.

FRANCIS TAPPENDEN sworn.

I marked the halfpence, 4s. worth, with an iron punch, on Thursday night last, between nine and ten; the next morning there was 2s. 10d. missing; they were found in the prisoner's pocket; I was present; we asked him if he had any money about him; he said he had nothing but a sixpence of his own; we desired him to turn his pocket out, and he did; and I hit my hand against his pocket; I said, you have a great weight there, let us see what it is; the halfpence were produced, and some few others; we sent for a constable, and the prisoner was sent to the compter; I and the constable, and one of our servants, went to the prisoner's lodgings, No. 3, Bridgewater-gardens; he told us he lodged there; we had the key of his box; the prisoner gave it us; we unlocked his box; the people of the house told us it was his; we found a variety of articles, with our marks on them (*the goods produced*); we had not missed them; it is impossible we could miss them.

CHARLES SMITH sworn.

I am the constable; I went to the prisoner's lodgings; the prisoner gave me the key; he said there was nothing of the prosecutor's property; we found a box there, which this key opened, and these things were found in that box,

(*The halfpence produced.*)

Mr. Tappenden. These are the halfpence that I marked.

Mr. Knapp to Mr. Tappenden. The prisoner did not tell you which box to go to?—No.

Was it a common key?—A common box-lock key.

You did not try the other boxes?—No.

Prisoner. I leave it to my counsel.

(*The prisoner called two witnesses, who gave him a good character.*)

GUILTY. (Aged 19.)

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

35. GEORGE PLATT and PHILIP ROBERTS were indicted for feloniously assaulting Henry Sharpe, on the 2d of November last, on the King's highway, putting him in fear, and feloniously taking from his person, and against his will, one guinea, and ten shillings and sixpence, in monies numbered, his monies.

The case opened by Mr. Garrow.

May it please your Lordship. Gentlemen of the Jury: Gentlemen, I am of counsel in this case for the prosecutor against the two men at the bar; and it has very often been my fortune to stand in this place, in the situation in which my learned friend stands to-night, called upon to do the best in the compass of my power, to defend real or supposed innocence: Gentlemen, I have not taken leave of the feelings which must necessarily operate on the minds of advocates

cates placed in so painful a situation, in a place too in which by the wisdom of the law it is denied to the advocate, on the part of his client, to make any address in his defence; all that it is permitted to us who stand as counsel for prisoners, is to endeavour, by such questions as may occur to us, to impress on the minds of the Jury observations tending to excite distrust of the evidence, and to evince that which we are instructed is the truth of the case. On the present occasion, Gentlemen, I feel this to be a very momentous enquiry indeed: on the one hand, the lives of two of our fellow citizens are at stake; the best interests of society, on the other hand, are at stake; and therefore it is material that you, under the direction you shall receive from the Court, should lend your very, very best attention to the minutest circumstance that on the one hand may go to make up the degree of guilt imputed to the prisoners, or that on the other hand may weigh in the scale of innocence. Gentlemen, the prisoners are charged with a highway robbery; and in point of law, if the facts are made out, which it will be necessary for me, on the part of the prosecution, to make out, I must shew to you that the prosecutor of the present indictment has parted with goods to the defendants, on some terror inducing him to dispose of his property not agreeable to his own will: in the ordinary case of highway robbery, you have evidence laid before you; that either a pistol, a cutlass, or some other deadly or offensive weapon, has been produced with circumstances of terror to the man that complains he has lost his property; on the present occasion you will have no such evidence; the prisoners have obtained of the prosecutor his goods, by the apprehension that his character would be ruined unless he parted with his property. Gentlemen, I know of no times in the legal history of the jurisprudence of this country, in which it has been doubted that such a terror applied to any man constituted that force necessary to make a highway robbery; but if at any time it has been doubted, such doubts are quieted and removed by the

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determination of all the judges of England; they have declared that, if by menaces used by prisoners threatening to charge the prosecutor with an unnatural crime, or with unnatural and unmanly practices, it is as much in the eye of the law a highway robbery as if they should have knocked him down, or produced a blunderbuss or pistol, or any other weapon; therefore, Gentlemen, as you were not the Jury that attended in that place yesterday, of the law then and now laid down there can be no doubt: Gentlemen, I shall now proceed to state to you some of the circumstances in the case, avoiding by choice to be extremely particular about them, by which the guilt of the prisoners is to be imputed to them in evidence; they are, as you may observe by their appearance, soldiers in the Coldstream regiment of guards; one of them, I may state to you without prejudice, I mention it because it is inseparable from the story now to be told you; one of them is already convicted of a similar offence; and he, together with an unfortunate man now under the sentence of the law, is stated to have applied in the streets of this town to the prosecutor, Mr. Sharp, and by threats that they would accuse him of the abominable practice to be stated to you by the witness, obtained from him a sum of money, which was the subject of another prosecution: Gentlemen, I apprehend when once a man has been weak enough to part with the smallest portion of his property, he is the constant marked object of the man that has first made the application; the mind cannot resist the impression, the overbearing and overwhelming impression, that this observation makes upon it, How came you to give money to a man, if you was innocent; if you was innocent of a crime that most disgraces human nature? Therefore, if a man is taken in an unprepared moment, and has the misfortune once to part with any of his property, experience shews us it is extremely difficult to stop the torrent of oppression, and to say, so far it shall proceed, but no further: Gentlemen, the unfortunate victim of the attacks of these

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men, was prevailed upon to part with a considerable portion of his money, considerable as every thing must be according to the situation of the party; he parted with nine or ten pounds; the men were all soldiers in the Coldstream regiment; sometimes a man came with an old accomplice, then he came with a new one: Gentlemen, at last, worn out, the prosecutor applied to an old friend, a Mr. Simms; Simms directed him to take them to a magistrate, and to make application to the laws; it happened that the attack was repeated; and that which forms the subject of the present enquiry is an application made to him, at his master's house, by the prisoner Roberts; he had seen Platt several times before; Roberts, on the 28th of October, came to him, and knocked at his master's door, and procured some money; but this charge will be the attempt of the 2d of November, between seven and eight, when Roberts came to that house, having on a former day said that he came from a soldier, and that they were draughted to go abroad, and wanted money; he told him, he was come now for the last time, that they were absolutely going off on the morrow morning; that they wanted some money before they went; that, as it was the last time, half-a-guinea would do now: on this man's saying he really had not it, but would go out and borrow it, then he joined company with the prisoner Platt and some other soldiers, and they obtained from him 10s. 6d. Gentlemen, on the law there can be no doubt, if the money has been obtained in the manner and under the threats I have stated to you, it is a highway robbery; but there is still, Gentlemen, a most important and very anxious question remaining behind; if that which constitutes a highway robbery has been committed, by whom has it been committed? Gentlemen, beyond all question by the two prisoners at the bar, if you believe the witness, the prosecutor; if you believe him, he will tell you he had frequent opportunities of knowing the persons of them both, which makes it beyond all question that they were the men; he will

state to you the conversations he had with them, which will put it out of all doubt: Gentlemen, it is my duty to make these observations to you; and it occurs, in prosecutions of this nature, to ask the question, Has the witness a fair, honest, unimpeached, irreproachable, and untainted character? Is he a man singled out by the villainy of others, for the purpose of having this sort of charge made upon him? because, as I stated yesterday, the best men in society may be the victims of those charges, on the prosecution of the worst men that disgrace human nature; but if a bad man should come forward, Juries will look anxiously into the character of the person making the accusation: Gentlemen, as a lawyer, I hold myself intitled to state to you, that it could make no difference in the case, if you should be persuaded that a man had been guilty of the filthy practice which this extortion states; still, if these men, instead of dragging him to the courts of justice, chuse to gratify their own avarice, it would still be a highway robbery; but God forbid that, whilst we in this country have the benefit of trial by jury, any such law should be stated as governing the decision of the case: Gentlemen, I ask your verdict for the publick on this plain, manly, and intelligible ground; Do you, on the result, believe all the witness tells you? If you believe him, when he states himself to have been an innocent and poor man, to have been under the terror of such accusations, of such threats, borne down by the apprehension of danger, and induced to part with his property; if you believe the story he tells you, publick justice, publick security, demand that the prisoners at the bar should be made victims to that publick justice and to that publick security; but, on the other hand, I feel I should disgrace the situation I hold in society, I feel I should dishonour the gown I have now the honour of wearing, if I did not state this to be my opinion; That if you should find the prosecutor, in the course of his evidence, equivocating with truth, tampering with justice, concealing any part of that which the intelligent

gent eye of a Jury should see, on all occasions; if there be any contamination in his character, and he appears interposing other men between himself and danger, dragging others forward, to be placed in that peril that is due to his own crimes; I for one, say, God forbid, that their blood should be sacrificed on the testimony of such a witness; therefore, I on the part of the prosecutor, invite your serious attention, aye, and I beg leave to crave the superintending attention of the Court too; if on this occasion, my learned friend should be able to call witnesses to you, who should cast a shade on the character and conduct of the prosecutor, and on that evidence which he will now give on his oath, in the name of God, Gentlemen, let the prisoners have the advantage of the doubt; it is better, it has been often said, that guilty men should escape from the difficulty of proof, and the doubt that hangs over that proof, than that you and the sacred administrators of justice sitting on this bench, should run the risk of dooming to death a fellow creature, on precarious or uncertain evidence. Gentlemen, I have feebly done my duty thus far; I have addressed you, as I am informed you are to expect that a shade will be attempted to be cast on the testimony of that witness; on the one hand you have an important duty upon you, to take care that you do not give too much credit to the evidence of a witness coming forward; and on the other hand, it is your duty to the publick, it is your duty to a private individual, the prosecutor, to attend to his testimony. Gentlemen, you owe it to your oaths, to your consciences, and to your God, to get at the truth by the best lights that the evidence shall afford you, and to give a just and satisfactory credit on the present occasion. Gentlemen, I shall conclude my address to you, with hoping, and intreating, that the God of all truth, may lead you to that which is the right and proper mode of investigation, in this important case.

(The witnesses examined separate.)

HENRY SHARPE sworn.

Mr. Garrow. I understand you are the porter at a carpet warehouse under the Piazza, Covent-Garden?—Yes; I am the foreman there; I have lived there 24 years last August: on the 27th of August, I, for the first time, saw the prisoner Platt.

He was then in company with a man of the name of Templeman?—Yes; Templeman and Platt, and some other soldiers of the Coldstream regiment, procured money from me, from time to time; on the 28th of October, was the first time; I saw Roberts about half past seven in the evening, he came to my master's shop-door, he asked whether a person did not live there, of the name of Sharpe; I heard him; I was called; I was in the back part of our shop, which is long; I saw a soldier which was Roberts; I asked him what he wanted with me, he said he came from some soldier which he named, but I do not recollect it, he said, did I know none of the Coldstreamers; I did not know they went by that name then; I said no; he asked me if I knew him, or not; I told him no, I was clear I had never seen him before in my life, to my knowledge; he said very possible, but if I would step round the corner, there was a young man there, a soldier, which I should know; I answered him, that I should go amongst none of them; he said he only wanted half a crown for the soldiers, that had been with me before, for them to drink, before they marched, which would be the next morning, for they were going abroad; I told him, it was an extraordinary thing, that a man with a rational understanding should come to demand money, whom I had never seen before; I am very clear, this was the prisoner Roberts.

Upon the next Tuesday, the 2d of November last, did you see the two prisoners?—Yes; it was about half past seven in the evening; I heard a person ask for me by name, which I think was Roberts; I went to the door; the two prisoners were close to the door, but Roberts was nearest; I asked them what they wanted; Roberts said the preceding night that they were going abroad,

abroad, and would never trouble me more ; I told Roberts, you said I was to see them no more ; they were both together : Platt says, you gave my friend two bad shillings in the three, the other night ; for I gave Roberts three shillings the night before ; I said, if I had, it was more than I knew, then they said, they now were absolutely going away the next morning, and would have some more money before they went ; I told them it was very extraordinary, how could they think, or how could they come after me, which knew nothing about them ; they both said they would go away, provided I would give them half a guinea ; I told them I had not half a guinea ; I had no more than two brass sixpences about me, which I had had some time ; then they said, damn your eyes, we will not leave you without you go and borrow half a guinea ; and Platt swore he would be damned if he did not go into the shop, and blow me up, unless I did it ; I was then within a yard or two of the door ; I was the outside next the coffee-house ; the shop is shut of a night, all but the door. Roberts says to Platt, do not be such a damned fool, he will give us money ; for Platt laid hold of the door, as if to open it, and go in ; I told them I had no money, and if I had, I would give them none, they had had enough, and too much already ; Platt laid hold of the door again, says he, damn your b——y eyes, I will blow you up ; he turned again to me, and said will you get this money for us or no ? I said I could not ; they said they would not leave me till I did, and both of them together said borrow it ; with that I went to the King's head in James street, with a pretence to borrow half a guinea, they followed me ; I told them I could not borrow half a guinea ; but I had two guineas in my fob, and I went in reality to get change for a guinea ; they said they had considered of it, and damn their eyes if they would leave me without a guinea ; for they were going on board of ship the next day, they would not go, damn their eyes if they would, without money ; I being so much terrified, by their abusing, and accusing me in the man-

ner they did ; I was afraid of my character, which is my bread.

What apprehensions had you, when they said they would blow you up ?—The apprehension that I had, was, that they would accuse me of some unnatural crime, and that it would deprive me of my character, and my bread ; then I agreed to go back to the King's-head, to borrow a guinea, and I took a guinea out of my fob, and came to them, and I said, mind this is the demand you make, this is betwixt you two ; Roberts directly puts the guinea into his pocket, and squared his elbows in a boxing posture, now says he, damn my eyes if I part with a penny of this ; Platt said he was a villain, why was he not to have half, and then Platt swore, why was he not to have one too, as there is none of this for me ; I argued with them, how they could think of going on so, with that, Platt said damn his eyes if he would go without half a guinea ; I told him where could I borrow more ; but I agreed to go to borrow half a guinea, and I got half a guinea, and half a guinea's worth of silver ; the agreement was to give me a receipt for a guinea and a half, I said, I would not give it them without they gave me a receipt or discharge, as others had done, referring to a paper, which had been given me, by Templeman, who was another soldier, who in company with Platt, had obtained other monies, that they had agreed to, this is the discharge from Templeman, to which I alluded, (*Read*) " I hereby promise, that I Thomas Vick, " and Thomas Brown, will not molest or " disturb Mr. Sharpe, on any pretence " whatsoever, (*signed*) Thomas Vick, " Thomas Brown. September 2d, 1790." They made no enquiry what discharge I meant, upon that I advanced the 10s. 6d. and desired them to come to some house to sign the receipt ; then they refused to do it, adding that as they were to march tomorrow morning, they had no occasion for it, I should never see them any more ; Roberts says, damn your eyes, give me your handkerchief, I want it for my bundle ; I did not ; then they wished me a good night, Roberts

Roberts said he hoped I should meet with no worse villains than they had been ; I said it was needless ; I did not see them till Templeman and Platt were taken on a Thursday with Smith, and on the Friday evening, the prisoner Roberts came to my master's shop in company with another man of the Coldstream regiment ; I went to the door, and asked him what he wanted with me ; he said he had a receipt on a stamp, for the money that he had three nights before ; I told him to give it me, he said he would be damned if he did ; I told him he should go with me ; I took hold of his arm, and he went pretty quiet a few yards ; then, says he, Platt is gone on board of ship ; yes, says I, I know he is ; I called Mr. Simms to my assistance, he was at his stall, and we took him to Bow-street, there he said he never saw me before ; he denied that he had said any thing about a receipt, or had been at my master's shop at all, but was coming promiscuously along the Piazza, and that I came out and seized him.

Now I ask you, and attend to the question, and answer it deliberately, did you know any thing at all of Platt, till that 17th of August, when you saw him first in company with Templeman ?—No ; I did not.

Not the least in the world ?—No.

Did you know any thing of Roberts, till you saw him in the company of Platt, when he came to your master's shop, on the 28th of October ?—No.

Had any thing indecent or improper, ever passed between you and Templeman, or Platt, or Smith, or Roberts ?—Never ; so help me God, as I stand here on my oath.

Had there with any person whatever, any of the soldiers of the guards, or any person whatever ?—No Sir ; there had not.

With no human being, any thing of the sort had ever passed ?—No Sir.

Mr. Knowlys, prisoner Roberts's Counsel. You have been servant to this carpet ware-house, 24 years ?—Yes ; I have been foreman about 16 years.

Of course, you are greatly in the confi-

dence of your master who employs you ?—I do not know in regard to that ; I will explain it, the former part of my time, Mr. Barnet was my master, he died and left a family.

Who is the master of the carpet ware-house now ?—Mr. Drury ; he commenced last August was 12 months.

Then during that time, you of course saw him almost every day, I suppose ?—No ; not every day, because he has another shop.

Templeman you had seen about two months before last Christmas ?—Yes Sir.

From that time you did not see him, till the May following ?—I did not see him ; I had been measuring a room in Pall-Mall, the music was playing in the court yard, a person in soldier's cloaths accosted me ; I said you have the advantage of me ; on the 17th of August, I saw him again, then Platt was with him.

I believe the account you gave on that occasion was, that being charged in the streets by these two men, you did not know but the people might rise upon you ?

On the 20th of August, on the 23d of August, on the 18th of September, on the 20th of September, you was applied to, on the same sort of business, and on the 21st of October, another application ?—Yes.

Before you had seen any thing of Roberts, there were no less than eight applications made to you ?—Yes.

Now, upon none of those applications, had you ever taken any steps to bring the persons applying to you, to justice ?—I had not, not till after.

When did you first mention this to Mr. Simms, your friend ?—On the 21st of September.

That was after six applications had been made to you ?—Yes.

I believe in consequence of that, you went with your friend Simms to the Northumberland Arms, in Great Russell-street ?—Yes ; I very seldom use a publick house, but I am perfectly known at the King's Head in James-street.

Then, even on the 22d of September, when your friend Simms was with you, and

G

you

you had the assistance of every person in the house, no complaint was made to any person?—Not to any third person, it was the tender feelings that I had, because I would not take the life of a fellow creature, if I could help it; but I told them if they did not desist, I would put the law in execution, the first was my character, and the next was that.

Were there any other publick houses, at which you were in company with the persons that made these applications to you?—I desired them repeatedly, to go to a publick house, and call for a pot of beer, and I would pay for it; I waited for Simms coming; and they did go to the publick house; I never was at any publick house with them, only at the Northumberland Arms, and at the White Horse, a small publick house; I was at the door, and called for a pot of beer, and paid for it.

Then you never was at the Queen's Head, Tavistock Row?—Not till after that; I was after that, at the Queen's Head with Platt:

There your friend Simms was with you?—Yes.

There another application was made to you?—Yes.

On that occasion, Simms being with you and the landlord, and the persons in the publick house, the application being made to you, you made no application to any person?—I did not.

On the 28th of October, Roberts came to your shop about half past seven?—Yes; as near as I can remember; he knocked at the door; I came out to him; we conversed together about five minutes, as I suppose.

Have you been often to see the Guard relieved in the Park?—Me! no, not without it was in my business, not once in half a year; I have heard of the Coldstream Regiment, but never took any notice of the name; I know there are three Regiments, first, second, and third; I had not heard of the Coldstream Regiment by name, to my knowledge, to take notice of it.

Did nothing particular happen, at the

time that Roberts came to ask you for some money?—Yes; there were some turnips thrown from behind the Piazzas, and I saw several soldiers heads peeping backwards and forwards.

Did not this create some little disturbance?—None at all, the people were not passing thick; there was half a dozen I suppose, not all at once.

Do you mean to say that attracted the attention of nobody at that time?—It did not; I do say it upon my oath, it did not.

Did none of your fellow servants come out at this time?—No; we were just at the side of the door.

Was it always your practice to stand at the side of the door, when any body called?—Not always.

Was it so when these soldiers called?—Then I mostly walked from the door; the whole transaction of the 2d of November did not take up above a quarter of an hour.

Do you mean to say, that at the time of the half play under the Piazzas, that no person whatever interfered, or came up to you?—Nobody interfered with us; an old woman came past and stopped, they bid her go along.

How many people might pass you?—I cannot tell; a good many.

Then you made no complaint, nor offered to stop them, nor told any body what was passing?—I did not.

At the King's Head you was perfectly known?—I was.

You went twice there without calling for any thing?—Yes; just to the left of the door; I stood at the bar and asked the mistress's sister, she said she had it not, and I directly came out.

How long have you known Simms?—Six or seven years; I have frequently bought things of him.

On the Monday, when Roberts called on you, you did not expect him?—No; because there was a warrant out against him at that time.

You have never walked in the Park of an evening?—Never particularly; I have gone through the Park.

Not

Not of an evening, that you swear positively?—I swear positively I have not; I never go out of an evening.

And you have never made any attack on any body in the Park of an indecent nature?—No, Sir, that I have not.

You have never received a blow for any such attack?—No, I have not.

Mr. Garrow. Whilst you was in the Piazza, you, who was alarmed lest a mob should rise upon you, did not proclaim that the men were charging you with an unnatural crime?—I did not.

Nobody took notice of you but an old woman?—No.

You mentioned it to your friend Mr. Simms, and took his advice about it?—I did.

At first you said you was reluctant to take the life of your fellow creatures?—I was worn out with their manner.

You say positively, on the oath you have taken, that if any soldier in the guards should be hardy enough to say that you have made any attack upon him, of an indecent nature, and that he had knocked you down, he is guilty of perjury?—He is Sir.

Prisoner Platt. Did not the prosecutor treat me with a pot of beer, once at the Horse Guards, by the Pay Office, and give me the change out of a shilling on my offering it to him?—I did not.

Whether he did not behave in a very indecent manner to me at that time?—I did not see him at all at the place he describes.

Were you guilty of any indecency to him at the time?—Upon my oath, the sacred oath, as I stand here before you, I was not.

Did not I knock you down in the Green Park for indecency?—It is as false as God is true. I can say no more.

ARTHUR SIMMS *sworn.*

I keep a green grocer's shop in Covent Garden; I have known Sharpe about fourteen years; he had told me of some applications for money; I saw the paper signed by Templeman and Smith; I took Templeman myself, a warrant was granted against Roberts, and on Friday night, the 5th of

November, I was drinking a cup of tea with my wife in my stall, and Sharpe came and said, this is the man that we have been looking for; Roberts was with him, I took hold of him directly, and carried him to Bow-street, he was examined there; he declared to me before, and then at his examination, that he knew nothing of the man at all.

Mr. Knowlys. Whereabouts is your stall?—In Covent Garden, the first stand from James-street as you come down.

Where were you on the Thursday?—On the Thursday I took Templeman; on the Tuesday I came down James-street, and saw the two prisoners talking together, attempting to make water; I looked in Platt's face, as I had seen him before, they had two caps on I am sure; I was at my stand in Covent Garden on the Tuesday evening, I suppose that is about twenty-five yards from the hatter's shop.

Mr. Garrow. Are you quite sure you saw the two prisoners in company together?—I am positive of it, I saw Sharpe talking to them, and his hat off; that was on the 2d of November.

Mr. Knowlys. Had not you the curiosity to stop and listen to the conversation?—No, I had not, I was at my stand when I saw them talking.

Now, had not Sharpe applied to you before, on their application for money?—Yes.

Knowing that, and seeing two soldiers with him, had not you the curiosity to go up and know something about it?—No, Sir, I thought he would alarm me; business, or something took my time.

Prisoner Platt. Had you any connection with a house in Eagle-court?—I know no house in Eagle-court; I know a house in Eagle-street, the Horse and Groom, I lodged there, I travelled with a Mr. Rookby that lived at the next door, where the wax-work is in Fleet-street; I had a wife there and two children, the man's name is Young, my wife and I were there at the time, and when I came from the fair and different things, I commonly came to her,

as

as usually a man comes to a woman, and Mr. Young used to ask me to draw some beer; I took the authority in the house; if any of these men can come forward; it is about nine years ago.

Whether he never laid with this Young, the same as a man and his wife?—Never, on my oath; I know nothing of it.

Never with a soldier in the guards, named Tillotson, who was a drummer, who is now in the New Prison for an assault?—I never was guilty of any thing of that kind in my life, and never with such a man.

This house was broke, its licence was taken away for the same thing, nobody but those sort of people use the house?—Gentlemen I deny the whole.

Was not there a drummer quartered in the house of the name of Tillotson?—Never in the world to my knowledge; I was away five months at a time.

Mr. Garrow. I called you, that your character might be enquired into; are you married or single?—A married man; this is my third wife.

Have you any children?—I have none by this, I have two in Dorsetshire, a boy and girl.

Had you any children by your second wife?—She died in child-bed of twins.

At the time you lodged at this house in Eagle-street, you lodged there as a married man with your wife?—I did.

When you came to London, did you cohabit with her as men and their wives usually do?—I did.

Did you, as it has been put to you, by the prisoner, having a wife in the house, sleep with a male bedfellow?—I slept with nobody but my wife.

Have you, ever before this prosecution, been accused of unnatural and improper propensities?—Never in my life.

Have you ever been guilty of such?—Never in my life.

Mr. Garrow. My Lord, I submit I shall be entitled to call witnesses to the character of Mr. Sharpe; I give my friend warning I have such witnesses.

Mr. Knowlys. My Lord, I am told I

have a witness that is very material, and I should desert my duty very much if I did not call him.

Prisoner Platt. I have a person here to give me a character.

Prisoner Roberts. The witness I have to call, his name is Williams; he came on his own accord.

THOMAS WILLIAMS *sworn.*

Mr. Knowlys. Are you a private?—Yes.

What regiment?—The second, the Coldstream Regiment of Guards.

Do you know any person round you?—I know Mr. Sharpe perfectly well, the gentleman here.

Go to him and touch him?—This is the gentleman (*touches him*); I was on the centry, in the Green Park, I do not know positively the day, it was some time before the riot happened that we were drafted to go into the Tower, to go abroad on foreign service; it could not be in the summer, Mr. Sharpe came to me in the night, between the hours of ten and twelve, when I was on the centry; I had never seen him before to my knowledge.

Did he do or say any thing?—Yes, Sir, he did, he offered some very unnatural crimes.

Tell us what he did?—He asked me whether I had been *done* lately; I asked him what he meant; he said he supposed I perfectly understood what he meant; he wanted to know whether any man had any thing to do with me lately; I told him he ought to be kept and taken up, and made an example of; I told him it was a thing I detested, that I was a married man, and did not give my mind to any thing of that sort; after he found that I would not submit to any of these unnatural crimes, he immediately departed from me, and went away.

Did you ever see any thing more of him after that?—I mounted the Tilt-yard Guard at the Gun; he came to me about half after nine; that was the 5th day at night, after the first attack; I am sure it was the same man, I called him by his name as he came to me; I told him I would have

have him taken up, and he immediately left me.

How came you to call him by his name ?
—I was going some time after the first attack to my quarters in Covent Garden, I saw him stand looking in at a window, and I enquired of a person what was the gentleman's name, and they told me his name was Sharpe; I mentioned to them that he offered very unnatural crimes to me, and ought to be taken up.

Court. Who was the person that you told of it ?—I do not know who it was : he told me he lived in the neighbourhood; but he did not tell me in what capacity.

Mr. Knowlys. Did you ever see him again, after this business of the Tilt-yard ?—Never, till this time I saw him in the court-yard.

From the opportunity you had of seeing him, are you sure he is the man that accosted you in the Green Park, and at the Tilt-yard ?—Yes, Sir, I am perfectly convinced he is the same.

You are quite sure he is the same ?—I am quite sure.

Mr. Garrow. When did you see him in the court-yard ?—About twelve, when I came here to-day, I saw him on the steps.

What brought you here ?—I was ordered here, subpœna'd.

So you came here in consequence of your subpœna, about twelve to-day ; when did you receive your subpœna ?—I saw it about half after eleven to-day.

I take it for granted, this filthy subject, you had not talked of it to any body ?—No, I have not.

No ; I take it for granted, except to the person whom you saw under the Piazzas, you have not mentioned it to any body ?—No, Sir, I have not.

You can be quite sure, that except to that stranger under the Piazza, you have never mentioned it to any body ; recollect, I do not wish to hurry you ?—No, not to my knowledge, I never mentioned it to no creature ; but since I came to court I saw the gentleman.

Let me see, if I understand you right,

NUMB. I. PART II.

except to the stranger in the Piazza, you never mentioned this indecency to any person till you came here to-day ; what did they tell you, you was subpœna'd for on the trial of Roberts ?—Sir !

Do not I speak loud enough, soldier ?—Yes, Sir.

Answer me then, and do not say, Sir ! concerning this matter ?—What matter.

Who subpœna'd you ?—I do not know.

Was it the stranger that spoke to you under the Piazza ?—No, a serjeant that came to me.

Upon your oath, Sir, if you never mentioned it to any body, but to the stranger under the Piazza, till you came here to-day, how came they to know that you could give any evidence here about Mr. Sharpe, when they subpœna'd you ? come, that is a point blank shot you was not prepared for, soldier ?—I do not know that ever I mentioned it to any person except my serjeant.

Mr. Garrow. Mr. Short-hand-writer, take care, and do your duty ; I know you do it always ; but I wish this man should know you do it.

Williams. Yes, Sir, I mentioned it to a serjeant that is here now, serjeant Folden.

When did you mention it to serjeant Folden ?—I believe I mentioned it to him after I came off the centry, at the Gun in the Tilt-yard.

What did you tell him ?—I told him that I had such a person come to me.

Who did you tell him came to you ?—I told him Mr. Sharpe came to me.

Now will you venture to swear you did this ; look to the Jury Sir, come, will you venture to swear, that when you left your guard on the Tilt-yard, that you told serjeant Folden, that Mr. Sharp had made this attack on you ?—I cannot say that I did.

Upon your oath, did you ever in your life, till to-day, mention it to serjeant Folden ?—Yes, I did.

When did you ?—I am not positive when.

How long ago ?—When I came off centry, the time I do not know.

H

Come,

Come, you must answer?—Yes, Sir, I think I did, I am not sure.

Are you sure you did; come, come; look to the Jury, I see it has an effect upon you?—I have mentioned it to him, but I do not positively know when.

Upon your oath have you ever mentioned it before?—Yes.

How long before?—I cannot positively tell.

Where have you mentioned it?—In different places.

In different places; were there many people present?—I do not recollect any body that was present.

Why you made no secret of it, did you?—I did not.

Did you mention it more than once to serjeant Folden?—I cannot say whether I did, I believe it was in the guard-room.

Will you swear that?—I did mention it in the guard-room, to all the guard that was present.

To all the guard that was present! when all the guard was present in the guard-room? I mentioned it to serjeant Folden in the guard-room, whilst all the guard was present; but not as the guard heard me.

What did you mention it in a whisper?—I called him aside, and told of this in the Tilt-yard guard-room; there is no other guard-room.

Was it when you was relieved after Mr. Sharpe had been there?—Certainly, Sir.

Was this attack after the rumour of your being drafted for foreign service had blown over?—No, Sir, it was before that.

How long before Mr. Roberts, your friend, was taken into custody?—Some time.

A long while?—Yes.

Did you tell the serjeant where Mr. Sharpe lived, and what trade he followed?—No, Sir, I did not know.

How came they to think of bringing you here?—I do not know, I mentioned it to the serjeant.

Pray, has these sort of things happened to you often?—No, Sir, never before this time nor since.

Therefore you did not understand what

he was saying, when he asked you if you have been *done* lately?—Yes.

You are a married man?—Yes.

You have been a foldier three years?—Yes.

You have mounted guard with a good many different men, I fancy?—Yes.

And you did not guess at the expression?—No; I told him he ought to know better, and he ought to be taken up and made an example of; so he went off.

It was between ten and twelve; was it nearer ten or twelve?—I cannot be positive whether the clock had gone eleven.

What sort of a night was it?—I am not positive of the night.

Was it, or was it not, a dark or a light night?—I know when I was last on guard in the Green Park, it was a dark night.

What part of the Park was you in?—It was the Green Park; there was a lamp at the house next to the box, about ten or twelve yards off.

The man was nine or ten minutes talking with you; why you had quite a coaze with him, quite an agreeable conversation with him?—It was not very agreeable.

How long was it afterwards when you saw him looking into the print-shop?—It was a day or two.

What did you say to the stranger?—He was looking in there; I asked him if he knew him, he said his name was Sharpe; I said, I believed he was a very bad man, and a man that did not like a woman, and a man that ought to be taken care of.

You did not explain to him why you thought so?—No.

Then it is not true, if any body had said so, that he made a very unnatural attack on you in the Park?—Why I told him he had offered some very unnatural practices to me in the Park.

What said the stranger to this?—He did not say any thing, he laughed and went away.

He did not tell you where he lived?—No, Sir, he did not tell me positively where he lived, he told me Sir, he lived in the neighbourhood, but he could not tell me where.

Did

Did you press him to tell you where he lived?—No, I did not; when I asked him where he lived, he said nothing, but went away; he told me before that, that he lived in the neighbourhood.

So then, you who had kept this so snug, that you did not mention it to any of your comrades, mentioned it to a stranger in Covent-garden?—I did.

Why did not you go with the stranger and take him to Bow-street?—If I had done as I ought to have done, I should.

You are a soldier in the Coldstream regiment?—Yes.

You have the honour to have his Royal Highness the Duke of York for your commanding officer?—I have.

Do not you know instances in your own knowledge of his Royal Highness encouraging soldiers who have detected unnatural practices in the Park?—He has.

Did Mr. Sharpe run away from you?—He went off as fast as he could.

How near was you to another sentry?—Why, a hundred yards and better.

How far from another sentry when you was in the Tilt-yard guard?—From one sentry I do not suppose it was above forty yards.

Then why not call out to the other sentry to take this fellow?—He did not go that way.

What did you say to him?—I called him by his name, Sir; he came up to me, as I called him by his name: when he began to offer this unnatural crime, I told him he ought to be secured, and I would secure him, if he offered any thing of the kind to me; and he made off as fast as he could; it was dark.

What did he say then in the Tilt-yard guard; what was the first thing he said?—He came up to me, when I was on sentry, and talked to me; and he asked me whether my breeches were lined.

What answer did you give him?—I called him by his name, and told him that I knew what he was very well, at least by his behaviour, that he was a very bad man, and to get away, or else I would secure him.

Was that all that passed?—Yes, it was.

Recollect.—I called him by his name, and told him he was a very bad man, and a man that ought to be taken care of, and if he did not go away I would secure him.

When did you tell that to any body?—I mentioned that to Serjeant Folden.

Will you swear that?—I am not positive.

When your guard is relieved, do not you report to those who succeed you what has happened on your guard?—No, unless it is something that concerns our duty.

Then if a man should come to your sentry-box, and should offer any unnatural attempt to your person, that is no part of your duty?—I did not take him, because I could not leave my post.

How long is this last time ago?—It was some time before we went into the Tower.

When did you go to any magistrate to make a complaint that Mr. Sharpe, who lived in Covent-garden, was an unnatural man, and had been offering unnatural practices to you?—I did not go.

Did you knock him down for this?—No.

Have you never said you did?—Not to my knowledge.

Then you never said to any body, that Mr. Sharpe, the prosecutor, had made an unnatural attempt upon you, and that you had knocked him down?—I did not say so to nobody, never in my life, to the best of my knowledge.

That will not do for me; I ask you, and I warn you that I am able to prove the contrary.—I did not say so.

That you swear positively?—Yes, I do swear positively, that I did not say so, never in my life, to any body.

Mr. Garrow to Mr. Sharpe. You have heard all that this man has said; upon the solemn oath that you have taken, and as you will answer it to your God, recollecting that the lives of these two men are at stake, is the account that man has given us true?—As I will answer it at the great and dreadful day of judgment! every word a lie! every word, as I may never stir from this place any more; how villainous it is! I stood patient to hear such villainy!

Is it true, that at any part of your life, you had any conversation with that man in the Green Park?—No, never, Sir.

Is it true, that in any part of your life, you ever spoke to him on the tilt guard?—Never.

In one word, is there a syllable of truth in any thing he has said?—Not a syllable, as I hope for salvation; I can say no more.

Mr. Garrow. If Serjeant Folden is here, I will make him my witness; for in this case, whatever may come of the prosecution, the whole story shall come out.

SERJEANT FOLDEN *sworn.*

Mr. Garrow. Do you know the private of the name of Williams, that you brought here by subpoena?—Yes.

You was the person that caused that subpoena to be served?—He was subpoenaed, and I was sent with it while he was on duty; I was sent from the regiment, from the orderly room, as a part of my regimental duty.

Had you any share in the procuring him to be subpoenaed?—No, Sir, I had no share.

Had you directed him to be subpoenaed?—No, Sir.

Had you given any account of what he knew on this subject?—No, Sir.

Had you any knowledge that he was possessed with any circumstance that had any thing to do with this trial?—No, Sir, I was not, indeed.

Till the subpoena was brought, had you any reason to suspect that he knew any thing that related to this prosecution?—No, Sir.

Have you ever heard from him any account, that he had any knowledge of any transaction that could have the least relation to this subject?—No, Sir.

Had you before this day, any conversation with him relating to this subject?—No, Sir.

Did you before this day ever hear him mention a person of the name of Sharpe?—No, Sir, never before this day.

Until this day, you never heard from him the name of Sharpe?—No, Sir, I have not.

Is Williams a private of your guard?—No, Sir, I am not on guard; but I have been on guard with him at St. James's.

Do you remember his being on the Tilt-yard guard, while you had occasion to be at the Tilt-yard room?—Not that I know of.

Did he ever in the guard-room relate to you any circumstance that had happened to him either on the Tilt-yard guard, or the Green Park?—No, Sir, never.

Had he never told you that a man of the name of Sharpe had asked him some indecent questions?—Not till to day.

Are you very positive of that?—Yes.

Are you very sure that he never told you that man was a man of unnatural passions?—Yes.

Do you know much of this man, Williams?—Yes, ever since he has been in the regiment; I cannot say rightly; I have known him four or five years.

Since Roberts particularly has been in custody, have you seen Williams from time to time?—More when he came to his duty.

Had you ever any private conversation with him apart from the guard-room in your life?—No, Sir, not about any such thing.

If he had told you that a man had asked him questions of an unnatural tendency; if he had told you so at any particular time, should you remember it?—Yes, I should.

Are you quite positively sure that he never did?—Yes, I am; he never mentioned any such thing happening to him, to me, never in his life.

Mr. Garrow. Now, my lord, I propose to call witnesses for the prosecutor's character.

Court. I think you are intitled to do it; but the case does not call for it.

Mr. Garrow. It certainly does not; but for the sake of this man in future life, I ought to do it.

THOMAS CHARLES *sworn.*

I live in Little St. Andrew's-street, Seven Dials; I have known Sharpe twelve or fourteen years.

As

As far as you have known his character, has he been a man of a manly, fair, virtuous character, or a man that is subject to unnatural propensities?—Amazingly so; I deem him the last man in the world to be guilty of so foul an act; I believe if there is a worthy character between Heaven and earth, he is the very man.

JAMES PEGG *sworn.*

I am a butcher in Bear-yard, Clare-market; I have four children, *that is three, and another a coming*: I have known Sharpe five or six years.

Do you take him to be a man of a manly, fair, honest character?—The worst character that I ever heard of Mr. Sharpe, is an honest worthy good sort of man; I have been in his company for many evenings, both alone, and with other company, frequently of an evening when I have done my work, and I never saw any thing indecent in him; I do not believe there is a man living that has a better character.

JOSEPH EMOS *sworn.*

I am porter at the Queen's mercer's, Ludgate-hill: I have known Sharpe about seven years and a quarter.

What character does he bear as to those manly virtues that adorn mankind?—I never saw any thing indecent in the man in my life; I slept with him four years.

Mr. Garrow to Serjeant Falden. You told me that this Williams mentioned something of this circumstance?—When we were coming here.

Did he at any time say what he did to the man that attacked him?—No, Sir.

Did he tell you whether he did or did not knock him down?—No, Sir, he did not; he said he was coming as an evidence against Mr. Sharpe; he did not tell me what he knew about him.

GEORGE PLATT, } **GUILTY, Death.**
PHILIP ROBERTS, }

Tried by the second Middlesex Jury before Mr. Recorder.

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Court. Let Williams be committed for perjury, and Sharpe and Simms and the serjeant be bound over to prosecute him.

36. **ANN METCALFE** was indicted for stealing, on the 2d of November, one fox muff, value 10s. and one printed book, value 1s. the property of Thomas Wedd; and one pair of silk stockings, value 3s. the property of Thomas Thompson.

The prisoner was employed as a charewoman to Mr. Wedd, who lives in Holborn; and the property was found in her box, at Mr. Macolms, at Walworth, where she went to live.

(The things deposed to.)

Mrs. Macolm confirmed the evidence of Mr. Wedd.

PRISONER'S DEFENCE.

I wetted the muff, and took it to dry; the book I took to read, and the stockings I took in a mistake; I thought to have replaced them.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Recorder.

37. **WILLIAM NORTON** was indicted for stealing, on the 9th of November last, a silver watch, value 18s. a steel watch chain, value 2d. and two metal seals, value 4d. the property of James Forrester.

JAMES FORRESTER *sworn.*

I was servant to Mr. Ducarel, at Margate, between four and five months, and at Ramsgate part of the time. I slept at the White Hart, Chancery-lane, on Monday night, when we came to town; it is a public house; a friend of mine keeps it; I went away in the morning, and left my watch on the bed; I did not miss it till I

I

went

went to dress my master; he lodged at the King's Arms coffee-house, over Black Friar's Bridge; I slept there that night, my master having company; and on Wednesday morning I returned to the White Hart; then I made enquiry for my watch; and I went to the pawnbroker's, and found my watch at Mr. Wright's, in the Almonry, on the same day; the prisoner is a soldier in the first regiment, and was quartered in the house; I put the watch on the bed; I did not hang it up; I took it from under my pillow, and left it on the bed; I forgot it; the prisoner slept in the same room, but not in the same bed.

JAMES KENDALL *sworn.*

I am servant to Mr. Wright. I produce a watch which I received from the prisoner; he was a stranger to me; he brought it on Tuesday, the 9th of November, between one and two; I asked him who the watch belonged to? he said, to himself; I asked him where he bought it? he said, at Gainborough, where he had worked some time ago; that is the place which is marked on the watch; he told me the maker's name and number; I lent him seventeen shillings and six-pence on it; he said his name was Thompson, and that he lived at No. 3, in Petty France; the prosecutor came and claimed it: (*the watch produced and deposed to*): a person came about two hours afterwards with the duplicate, and I desired to see the person that brought it, and he sent the prisoner in.

WILLIAM MURRAY *sworn.*

The prisoner is a soldier, and was quartered upon me; the prosecutor slept at my house that Monday night, and lost his watch; the prisoner slept in the same room with the prosecutor; I saw the prisoner and another soldier go up stairs to tie one another's hair; and they came down again directly, and went out, without tying their hairs.

Prisoner. Did not other people sleep in the room that night?—Yes, one William

Alcock who collects land-tax for one of the wards in the city; and one Mr. Johnson slept in the same room; Johnson writes for Mr. Tancred, in Lincoln's-inn: the prisoner always behaved extremely well before this.

PRISONER'S DEFENCE.

I never had the watch in my possession; a Jew offered me a shilling to go to get the watch; I did not pawn it at first.

Court to Kendall. Are you positive to the person of the prisoner?—I am.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

38. **MARY SMITH** was indicted for feloniously stealing, on the 27th of October, two linen sheets, value 4s. the goods of Thomas Garner, in a lodging room.

CHRISTIANA GARNER *sworn.*

I am wife to Thomas Garner; my husband lives in Drury-lane, in Nag's-head-court. I let Mary Smith a two pair of stairs room, furnished, five weeks before she was taken; she had therein five chairs, a table, and a good bed, and every necessary she wanted, and a pair of sheets; on Wednesday night she was in the room between eight and nine at night, and she was gone next morning; she has been in gaol a month; the pawnbroker has the sheets.

JOHN GARWOOD *sworn.*

I live with Mr. Atwood, Bridges-street. I have only one sheet, which I received from the prisoner on the 28th of October.

(Produced and deposed to.)

PRI-

PRISONER'S DEFENCE.

The sheets are my own; they are marked with my mother's name.

GUILTY.

Fined 1s. and imprisoned three months.

*Tried by the second Middlesex Jury before
Mr. Justice BULLER.*

39. ANN SEYMOUR was indicted for feloniously stealing, on the 24th of November, a flock bed, value 9s. a bolster, value 6d. a pillow, value 1s. 6d. a linen coverlid, value 3d. a chair, value 3s. a picture, value 1s. and various other articles, the goods of William Scott.

WILLIAM SCOTT sworn.

I live in Little Drury-lane, in the parish of St. Mary le Strand. On the 24th of November last I lost all the things mentioned in the indictment; the prisoner lived with me till the 23d or 24th, and then went away; after she left me I missed these things; they were all in the house when she came to the lodgings, and they were all missed after she left it; I missed them the very same day, or a day after; I cannot be positive.

What time of the day did she go away?—It was between six and seven; I heard her on the stairs then, and never saw her after, till she was taken; I found part of my things at No. 14, in the same street, where I live; I found some more at Mr. Jackson's, White-hart-yard.

Was any promise or threats made use of to induce her to make this confession?—None at all; she had sold some to Mr. Mills, Little Drury-lane, some to Mr. Jackson, White-hart-yard, and the bed down in Cross-street, the bottom of Newton's-lane.

Was you present with Scott when he went to look after it?—No, but I went to fetch some of it yesterday to bring here.

(Some of the property produced; the rest not brought because they were so cumbersome.)

Did the prisoner own to you that she had disposed of such and such things, some at Mills's, and some at Jackson's?—Yes.

What is the value of all those things you did find?—I suppose they might be about a guinea, or two and twenty shillings.

MARY SHIELDS sworn.

Confirmed her husband's evidence.

GUILTY.

Fined 1s. and imprisoned six months.

*Tried by the second Middlesex Jury before
Mr. Justice ASHURST.*

40. JOHN PEART was indicted for feloniously assaulting Ann White on the king's highway, and putting her in fear, and feloniously taking from her person by force, a bundle containing a quantity of wearing apparel, her property.

(The witnesses examined separately.)

ANN WHITE sworn.

I was robbed on the 25th of September. I was coming home from Brentford; it was about four in the evening, and was robbed in Piccadilly, in the open street; I got out of the stage, and went into a hackney coach, and all the things were put in. The prisoner at the bar, and the coachman, tried last sessions, pushed me down, and took my bundle out of the coach; they pushed me all along the street, as I was getting into the coach; who pushed me down. I do not know, whether the coachman or the prisoner.

What did the bundle contain?—It contained a great many articles, a gown, two shifts, two or three caps, a petticoat, three pair of stockings, five aprons; I got into the coach, and told the coachman I had lost my parcel; the prisoner and the coachman.

than both damned me several times, and said, they had not got any thing, nor had I lost any thing.

Did they say any thing to you when they first pushed you down?—Nothing at all; they pushed me down, and took the bundle; I went then to my lodgings, and I had the coach searched then, but the bundle was not in it when I got there: Sir Sampson Wright's men found the bundle some time after.

Prisoner. I would wish to ask whether I was nigh her?—The prisoner was near me, and damned me several times: there was only him and the coachman present.

JOHN THOMPSON *sworn.*

I brought Mrs. White from Brentford to London; she asked me to call an hackney coach; the coach did not come near enough to step out of one coach into another; I went to assist her, and put in her bundles; and as she was getting in, she was shoved down, and the bundle was stole; I was shoved down along with her; I can say there was no one near but the coachman and the prisoner at the bar; the prisoner at the bar was at the hackney coach door at that time; and he was there some time after.

Prisoner. I would ask whether I was not with him from the time that the lady said she lost her bundle, for an hour after?—He was with me some time; I cannot say for the time; he came and attended the coach as usual: he was the watering man, and generally attends the coaches there.

EDWARD HUGHES *sworn.*

I am one of the patrols: I was on duty in Piccadilly, and heard of the robbery; I was told that John Peart had taken the bundle; I saw him about there a few minutes afterward; and about five minutes after I saw him on an hackney coach box in Piccadilly, with the man who was convicted last sessions; I pursued him up Rupert-street; Peart got off the box; and at the end of a little court, called Edmond's-court, facing St. Ann's church, the coachman

stopped, and got off the box; (this might be ten minutes or a quarter of an hour after the robbery was done); he got down and opened the coach door, and took the bundle out, and had walked down the court some yards; and Peart came up from the bottom of the court to meet him; and he was close to him when I apprehended the coachman; his name is Johnson.

What became of the prisoner?—He left London after the sessions, and went to Portsmouth; and an information coming up that he was at work at a stable-yard there, I went down and took him.

Prisoner. He says I rode on the coach, and he followed me about to the dead wall of St. Ann's church; then he says he saw me in the court, at one end, and the coachman at the other; now, if he saw me in Rupert-street, how could he see me at the other end of the court?—He was coming to the coachman, almost the distance as I am to you, my lord; I saw him first at the corner of Air-street; and he passed just the end of the street; I says to the man with me, there is Peart on the coach-box; says I, we will follow him wherever he goes.

Prisoner. Is it possible for a coach to go to Piccadilly, and set the lady down at Mary-le-bone, in this time as he has mentioned he saw me?—I cannot be positive for a few minutes.

(Part of the articles produced and deposed to by Mrs. White.)

Court to Mrs. White. Did you go in Johnson's coach to Mary-le-bone?—Yes, I did.

William Custody, the other patrol on duty, deposed to the same effect.

Court. Did you see enough of him on the coach-box, to swear that he is the same man?—I believe I can swear he is the man, safely.

RICHARD MOUNTAIN *sworn.*

I am bound over to prove that neither the coachman, Johnson, nor Peart, are servants of mine.

PRI-

PRISONER'S DEFENCE.

I will say I never was with the coach. This man says it was nine o'clock when he saw me on the coach-box with Johnson, when Johnson will say he did not see me; it was one of Mr. Watson's post-boys, at the Plow, Prince's-street; and he set him down at his own door. I never was with the coachman, nor see him.

GUILTY of the larceny.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

41. THOMAS FLOCKTON was indicted for stealing, on the 3d of December, two coach springs, value 10s. the property of Thomas Phillips.

And PETER FISHER was indicted for receiving the same, knowing them to have been stolen.

THOMAS PHILLIPS *sworn.*

I am a coach-maker in Little Denmark-street. On the 3d of December, I lost four springs in the evening; I have a witness here that found the property.

THOMAS PHILLIPS, the younger, *sworn.*

On the 3d of December, I was coming out of my father's house, and I saw a man run by with something in his hand; it was about half after six in the evening, as near as I can guess; I went in and informed my father and Mr. Jennings, who were together in the parlour, of it; on looking into the shop, we missed four coach springs; Mr. Jennings said, we had better go after him to the first iron shop, and then we should light of him; as we went on, the prisoner came out of Crown-court, joining Peter Fisher's shop, in Broad-street; he had got two then; the other tapped him on the shoulder; I said, that is him; he followed him into Peter Fisher's shop; and he laid hold of him, and one of the springs; and I laid hold of him on the other side,

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and another of the springs; we took the prisoners and the two springs to Bow-street.
(*The springs produced and deposed to.*)

Mr. JENNINGS *sworn.*

Confirmed the last Witness.

Prisoner Fisher's Counsel. The moment you got into Peter Fisher's shop, you secured him?—Yes.

And you was directly in after him?—Yes; he had one on his shoulder, and the other Peter Fisher was helping down.

And there was nothing found in Peter Fisher's shop?—No.

Prisoner Flockton. A man gave them to me to carry.

Court. I shall not put Fisher on his defence.

Court to young Phillips. Was you able to observe the man that passed by the door, what siz'd man was he?—Very much resembling the size of the prisoner, but I cannot positively say it was the prisoner.

THOMAS FLOCKTON, GUILTY.

Whipped and imprisoned one month.

PETER FISHER, NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

42. JOHN LEGG was indicted for feloniously stealing, on the 22d of November, a looking glass, value 3s. the goods of John Hayes.

JOHN HAYES *sworn.*

On Monday, the 22d of November, I lost a looking glass, taken out of a one pair of stairs room, and stopped the man with the glass in his hand.

GUILTY. *Whipped.*

Tried by the second Middlesex Jury before Mr. Justice BULLER.

43. THOMAS HARBY was indicted for feloniously stealing, on the 17th of November, a pair of linen sheets, value 6s.

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and a quartet of a pound weight of linen rags, in a linen bag, value 1d. the goods of William Barnett.

ANN BARNETT *sworn.*

I am wife to William Barnett; I was sitting in my kitchen, about nine o'clock in the morning, the 17th of last month, the door was open; I had sent my daughter on an errand; the prisoner came in through a long garden into my parlour, immediately he went into a closet in the parlour, and took out these sheets, (*the sheets produced*) and put them into a leather bag, which was likewise in the closet; the publick house boy happening to come to the door for the pots; I went up stairs to give it him, and hearing a noise in the parlour, I immediately went in, and did not see any body; the stair case of the bed-chamber comes into the parlour, and looking up the stair case, there I saw the prisoner almost into my bed chamber; I screamed out immediately, and ran into the garden; my daughter coming back, and hearing me scream ran up stairs; as soon as we got into the garden, the prisoner came down the steps and told us, he was looking for a dyer; the neighbours came in and advised me to go back into the parlour, and see if I missed any thing; upon this I went into the parlour, and found these sheets packed up in this bag, which had before been in the closet, and they were found upon a trunk; my daughter secured the prisoner.

CHARLOTTE BARNETT *sworn.*

These sheets I folded up and put into the cupboard, and about three minutes after, I went to the next door on an errand, and while I went there I heard Mamma scream out.

WILLIAM WINDER *sworn.*

The prosecutor sent to my house for an officer, and I went immediately; I took them into the parlour, and they shewed me the things that he had robbed them off, wrapped up in a bag; he was standing inside the garden gate.

(*The sheets deposed to by Mrs. Barnett.*)

PRISONER'S DEFENCE.

I was out of work, and I was informed that one Mr. Johnson a dyer, lived there; a young lad came out, and I asked him that question, and immediately the gentlewoman came up, and accused me of thieving.

GUILTY, (Aged 17.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

44. **EVAN JONES** was indicted for stealing, on the 16th of November, two shammy leather skins, value 2s. seven leather deer skins, value 7s. four cloth coloured skins, value 4s. a red skin, value 10d. one leather flesh coloured skin, value 10d. the goods of Thomas Savage, the elder.

SAMUEL SAVAGE, jun. *sworn.*

I am the son of Mr. Savage, he lives in Chiswell-street; the prisoner was our porter, and had the care of the stable, at that time, and has had it for five years past. On Tuesday the 16th of November, I was in the stable; two tarrier dogs were working in the straw for vermine; after they had scratched up the straw, they scratched up a bundle, containing two leather linings; I went out to Bow-street, and left it in the same situation, in which they were first found, in order to detect the thief; and when I came back with a search warrant, I gave it to an officer, and we went to the apartments of the prisoner; he was at dinner; about four o'clock in the afternoon we told him that we had a search warrant, and that it was the best way to deliver up what he had; he went up stairs, and we with him, and there were several boxes one upon another, and he himself unlocked the topmost box, and took out several

several skins with the letter S. on them, he said this was all; I believe lenity was proposed to him: these things are the property of my father; here are four skins; I found seven others; I have no doubt of their being my father's property.

Are the skins there found in the stable?
—Yes they are.

Mr. Knapp, prisoner's Counsel. I want to know the situation of this stable; is it in a yard adjoining to this house?—It is.

It was not locked up at that time?—No.

So that any one might have free access? My reason for believing it to be the prisoner was, because he was the man that looked after the horses.

There was no lock to it, and thereby any one might have free access to it as much as the prisoner, and this man hath been your servant for five years past?—He has.

I believe at Bow-street there was some difficulty about speaking to the property?—I wished to be more positive, that was the reason; I did not swear, because I wanted time to recollect.

Hath the prisoner at any time been used to buy any skins whatever?—I never heard him ask to buy any.

HEWIS *sworn.*

I am a constable; I had a search warrant to search the prisoner's apartments, and I found thirteen skins in his bed-room; they were in his custody, he took them from two different boxes, they were both locked, and he had the key of them.

Cross Examination.

The prisoner was at dinner, he did not refuse to come out to you at all?—None in the least.

Did he refuse you to open the box; he himself unlocked the box, and shewed you the things?—Yes he did.

Was there any thing passed, that he bought these skins of Mr. Savage's brother?
—No.

The box was opened by your desire; the first box he opened very readily?—I told him if he did not make haste I would break it open.

Court to Hewis. Did you go with the prisoner to Mr. Savage's house?—Yes; and I asked him if any of these skins were the skins in the stable; he went up into the loft, and there was room for only one person at a time, as soon as he went up, Mr. Savage had a lanthorn and a candle, and I went up, and the prisoner had got the skins in the loft and brought them to me.

Court to Savage. Are these the skins you found in the stable?—I believe they are, they have never been out of the possession of the Constable; when I went out they were in the stable, and when I came back from Bow-street, I found the prisoner clearing the room of the stable; I sent the prisoner to Dice Key, to consult what to do, and immediately as the prisoner was gone, I found the skins missing, and that was the very same parcel produced from the loft.

Mr. Knapp. What is the mark you know them by?—By the letter S.

On any of them are no other marks than the letter S.?—Yes; there are my men's marks on them.

Your men make the same marks on all the skins, therefore all that you can swear to is, that it is such a mark as your men make?—Yes; it is.

With respect to the letter S. these skins that are particularly marked, those are the same amongst a great number of others, and all the skins of a certain description have that letter S.?—Yes; and they have the men's mark beside.

FRANCIS BRADFORD *sworn.*

I am a manufacturer of skins, that is one of my doing.

Mr. Knapp. You mark always with the same mark?—Yes.

And that is all the way you know any thing at all about it?—Yes.

PRISONER'S DEFENCE.

These here men they came to my house when I was at dinner, they called me out to the passage, and asked me for the skins that were in the stable, that I took away; I told them that I did not take any away; they said that they had got a warrant to search,

search, and it was better for me to own directly; I went up stairs and opened the box, and they took the property that I bought, and I let them take any thing, my shirts and any thing; as to these skins in the stable, I happened to go to the stable, I was looking after the horses, and I took the fork to take some straw to throw out under the horses, and I saw a bundle of skins under the manger; I threw them up on the hay, and there I left them, and when they came and asked me for them, I told them where they were, and gave it them.

The prisoner called five witnesses who gave him a good character.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

45. ELIZABETH HAMILTON was indicted for feloniously stealing, on the 2d of December, one muslin cap, value 5s. one muslin apron, value 3s. the property of William Woodcock; and one muslin apron, value 2s. the goods of Richard Morris.

Mrs. WOODCOCK *sworn.*

I am the wife of the prosecutor; on the 3d of December, I lost a muslin cap, and I missed the apron on Monday morning; I never saw them in the hands of the prisoner, nor after I missed them, till I saw them at Lemoine's the pawnbroker's, there I saw the cap and the two aprons: This woman was my servant, one of all work, at the time I missed the things, and before I recovered them, she had left my place; she left it on Friday after I missed my cap.

Did you part friends?—No; I turned her away on suspicion.

ELIZABETH MORRIS *sworn.*

I lost a muslin apron from Mrs. Woodcock's room, she being my sister; I lent it her about a fortnight before it was lost; I saw it again at Lemoine's the pawnbroker's.

PHILIP LEMOINE *sworn.*

I am a pawnbroker; I am a servant to Mr. Beauchamp of Holborn; I had two muslin aprons and a cap pawned to me, on the 2d of this month; I had never seen the prisoner before, but I am positive she is the woman that pawned them. (*The things produced and deposed to.*)

PRISONER'S DEFENCE.

I had never been in the pawnbroker's place in my life, and there hath been so many ups and downs, in my master's place, it is such a publick house, that it is impossible to say who took them from there.

Court to Lemoine. You never saw this woman before?—No; never, but the reason why, I remember the circumstance was, she came on a Thursday in the evening; she said she brought them from her fellow servant; she had then the appearance of a cook, at the time she came; I happened to have no silver, and wanted change to give her, and while the boy was gone, she said she was going for some thread, for her fellow servant, and while she was gone, the boy came back with the silver, and I gave it her.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

46. JOHN TULL was indicted for feloniously stealing, on the 31st of October, a violin, value 14s. thirty-six Wedgewood seals, value 6s. and six other seals, value 6s. the goods of John Wilde.

JOHN WILDE *sworn.*

I keep a second hand music shop, Saville Passage, Saville Row; on Saturday night, the 30th, or Sunday night, the 31st, of October, I lost the things mentioned in the indictment; I saw them on Saturday before; I shut up the shop, very safe, as usual; I shut it up a little after dark on Saturday

Saturday evening, and not go near it till between 11 and 12 o'clock on Monday morning, as I do not live at my shop; on Monday morning the articles were gone, when I opened my shop, I found all the music books scattered on the ground, and trampled upon with muddy feet; I discovered immediately that I had been robbed; I searched after my property, and found the fiddle at Mr. Bell's.

CHARLES BELL *sworn.*

I am a pawnbroker, at No. 9, Peter street, Golden-Square. The prisoner at the bar pawned this violin with me, on the 1st of November; I had never seen the prisoner before, when he brought it, it was between 9 and 11 in the morning; I cannot say more exactly; I lent him one shilling, and gave him a duplicate in the name of Thomas Sanders, he gave his address as No. 1, Green's Court; I am sure he is the person. On Tuesday the 2d of November, John Wilde came to my shop, and I shewed him the violin, he said it was his; he described it before I shewed it him, as having a grinning head, and a bit of brass on the back; he desired me if the person came with the duplicate, to stop him; a woman brought the duplicate to me, and I stopped it, and told her she must send the person who pawned it; the next morning the prisoner came for it himself, and I apprehended him.

WILLIAM WALKER *sworn.*

I keep a fruit stall, in New Castle Street, and go on errands; the prisoner about three weeks ago, I believe, I cannot justly say, brought me some seals to buy; I sent him away, and then he came again another day, and I bought them then for 2s. they were three dozen, or three dozen and a half; I did count them then, but I have forgot now; some polished and some not; Mr. Wilde came to my room, and asked me if I had any black seals to sell; I told him I had got half a dozen, and shewed them to him; he asked me if I had got any more, and I said no; he told me, these are my

property; my shop has been broke open; I told him then I have got some more, and I shewed him all. (*The seals produced.*)

Was the prisoner a stranger?—Yes.

How did you offer them to sale?—I sold three or four for 3d. apiece; I believe they were some of the rough ones.

(*The violin produced and deposed to, and the seals being made by the prosecutor himself, and as he had never sold above one or two of them polished in his life, and a few unpolished, but never half so many as found.*)

PRISONER'S DEFENCE.

As to the violin; (I am a poor man; I keep a stand at Piccadilly, opposite Devonshire-house:) a man came and offered me this duplicate for sale, and asked me to buy a violin in pawn; I gave him four-pence for the duplicate, and went to the pawnbroker's myself for it, in order to put it up to sell, and the pawnbroker told me it was owned, and sent after the man, and he was not at home, and he gave me liberty to go out of the shop, and I told the pawnbroker, if he would tell me where the man lived, I would go to him myself; he directly took me up to Bow-street, and committed me to prison.

GUILTY:

Whipped and imprisoned twelve months.

Tried by the first Middlesex Jury before Mr. RECORDER.

47. JAMES MANLEY was indicted for feloniously stealing, on the 3d of December, a pair of linen sheets, value 5s. the goods of John Leatham.

—— LEATHAM *sworn.*

I am a married woman: my husband is a horse-dealer, I live in Crown-court, Purple-lane. Before this 3d of December I had been robbed; and on that day the prisoner came to me, and told me he could inform me of the people that robbed me, and he knew where the things were pawned;

L

I went

I went with him to Justice Triquet's, Clerk-enwell-green, and got a warrant, and Mary Ellis and the prisoner Manley went with me; we went from there over the water, into the Borough, and he shewed me and the constable the man at work, that had robbed me before, and told us that he did not like to be seen in the business, he would wait at a public-house, for the constable and me, the Crown, in George-street; when we had taken the man I went to the Crown, in George-street; he was not there; on the Sunday following a woman came to me, and informed me of him, and I found him at an empty garret, No. 23, Leather-lane; when I went, which was about twelve or one o'clock, he told me he was sorry he had sent me that message, and hoped I would excuse him, and would give him a trifle, for he was a good deal in distress: I told him I would get change for half a guinea; and I went and brought up a pot of beer and a constable, and took him.

What did you charge him with?—With stealing a pair of sheets when he came to my house: the constable took him to some prison, I know not where.

ELIZABETH LAMB *sworn.*

I am a glover, and live in Crown-court, Purple-lane, No. 2: Mrs. Leatham lives at No. 3. I was at my own window, and saw the prisoner go to Mrs. Leatham on Friday the third of December, between three and four in the afternoon, very nigh four; I cannot say I saw him go in, because her house is on a turn; I am sure as to the hour; he went by with nothing but a stick, and came back again with a bundle of foul linen under his arm, in the course of a quarter of an hour; I look upon it that one sheet was tied up in the other, and he carried it outside of his coat: I saw no more of him: I am sure as to the man, because I had seen him at Mr. Leatham's before.

Are you sure that when he went by first he had no bundle, and when he came back

he had a bundle?—Yes, I am: my house is the next door.

Are you sure as to the time?—I am certain that is the day and time.

Prisoner. Did ever you see me before in that court?—I saw him just before that very morning.

Did ever I change a word with you in my life?—No: but on that morning, when you went by, you had a red bundle, but you had none when you came back.

PHEBE BATES *sworn.*

I was at Mrs. Lamb's house, and I saw the prisoner go by just before four o'clock. I live at No. 8. I had seen him go out with Mrs. Leatham in the morning, about twelve o'clock.

Are you sure as to his person?—Yes; I am sure he had nothing but a stick in his hand, and I saw him turn to Mrs. Leatham's house; it is a little passage; and he went to the passage, and could go no where else, for it is no thoroughfare.

MARY KEYS *sworn.*

I live at No. 7, Crown-court. Last Friday week about four o'clock I was standing at my window washing, and I saw Manley, the prisoner, turn down Mrs. Leatham's alley, which is a little passage which turns out of the court: he had nothing under his arm when he went by; his returning again I did not see: I am positive to the man.

MATTHEW BILBY *sworn.*

I am the headborough of St. Luke's parish. On the 3d of December the prisoner and the prosecutrix came to me about one o'clock, in order to serve a warrant upon one Ellis; with that we proceeded all over Black Friars-bridge: he told me he would shew me the man, and likewise where he lived, and desired me not to let the man know he was any ways connected with it; we proceeded to George-street, and there the prisoner that I had a warrant against was at work, or going as a paviours labourer; he then left me; this was about one

one or two o'clock; I took my prisoner; and he begged of me that I would go to his master that he worked for, in order to settle; with this he delayed us till about four o'clock, and Mrs. Leatham was with us all this time; and I am certain that is the man that shewed me the prisoner.

MARY POWEL *sworn.*

I live at No. 5, Crown court. On Friday, the 3d of December, the prisoner at the bar came to Mrs. Leatham's about twelve o'clock, to inform her of the man who robbed her; Mrs. Leatham called, and desired me to take care of her children; I directly put the key into the door, and locked it, and put the key in my own possession; about three o'clock I had occasion to go into Mrs. Leatham's room, and brought out what I went for, and left every thing safe at three o'clock; about four, or ten minutes after, my little niece, that lives with Mrs. Leatham, told me that her room was stripped, and her bed clothes all gone, the drawers all open, and every thing in great confusion: I know nothing else.

Prisoner. Did not we leave you in the house?—No; I locked it up.

GEORGE WICH *sworn.*

I am a constable of St. Andrew's parish: I was sent for last Sunday week, about a quarter before two, to Purple-lane. I apprehended the man: I told the prisoner I had got a warrant against him concerning a robbery at Mrs. Leatham's; Oh! says he, I do not mind that, I was afraid it was something else; he said, there was no one saw him go into the house or come out of the house, and so there is no one can hurt me, I am sure: he said, he would go with me very quietly, which he did.

Prisoner. I never said that no one saw me come out of the house or come in.

Wich. I am certain he said it.

Court to Mrs. Leatham. You never found your sheets again?—No, never.

You left them on your bed safe that day?—Yes; that morning.

Whose property are these?—They are my husband's property.

Witness for the prisoner.

ELIZABETH MALLARD *sworn.*

My husband works at an iron foundry; his name is Francis Mallard; he works at Messrs. Ingman and Gifford's, down at Back Hill. The prisoner came to my house last Friday was a week, about twelve, and he went away, and came again about four, as nigh as I can guess, and staid rather better than ten minutes; he left a bundle with me on Friday night, and I saw him no more till Sunday.

What was in that bundle?—There was an old huckaback table cloth, and a little bag, and a red handkerchief, and I believe a pair of stockings; I untied the bundle to wash the handkerchief.

GUILTY,

Transported for seven years.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

48. **WILLIAM WILLIAMS** was indicted for feloniously stealing, on the 9th of November, two pewter pint pots, value 1s. and a half pint pewter pot, value 4d. the goods of ——— Kiley.

———— **KILEY** *sworn.*

I keep the Carpenters Arms, the corner of Howland-street, in John's-street. On the 9th of November, in the evening, the prisoner Williams come to my house, and called for a pint of porter: he had been a watchman in our neighbourhood, and hath been in the India-house; I have known him this four or five years: it was about nine o'clock when he came in the evening; he had a pint of porter, and pretended he was asleep in the tap-room, and about ten o'clock he paid for his beer, and went out of the house; we were very busy that evening; and he was suspected, as we had lost a good many pots the week or two he

he had used the house; I followed him out of doors, but missed of him; but coming home I met him; I heard the pots rattle as he came along, and I called the watchman, and took him into custody, into my own house, and I ordered the watchman to search him; we found two pint pots, a bar cyphered pot, and another pot, and a half pint pot, with my own name upon them, and the name of my house.

Are you sure that these pots were in the tap-room before he went out of the house? — I am certain of it.

And they were the only ones that you missed when he went away? — Yes, at that time; I have no doubt of their being my pots.

SAMUEL SMITH *sworn.*

I am a watchman of the parish. I took two pewter pint pots, and an half pint pot from out of the prisoner's pocket, in the presence of the last witness; I put my mark on them at the justices, and gave them to Whitewall, the watch-house-keeper, from whom I have fetched them to day; when I came from the justice's the next day I went afterwards to his lodgings, and found several more different peoples pots.

—— **WHITEWALL** *sworn.*

I am the watch-house-keeper. The watchman, Smith, gave me these pots, and has brought them here to day.

(The pots deposed to.)

GUILTY, (Aged 54.)

Fined 1s. and imprisoned six months.

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

49. **WILLIAM BREWER** was indicted for feloniously stealing, on the 20th of November, a piece of silver coin, called a crown, four half crowns, and seven shillings in money numbered, the monies of George Careless.

GEORGE CARELESS *sworn.*

On the 20th of November I laid three guineas worth of silver into a basin, in my closet. I live at the Cheshire, Cheese, in Angel-street. There was put by a crown piece, eight half crowns, and the rest in shillings and sixpences: they laid there about two o'clock; I had the crown out, and shewed it to several people in the kitchen: when six o'clock came I went to get change, and missed the crown piece, and with that I looked into the basin, and saw the silver looked very little, and took it up, and found it to be no more than two pounds-worth; I found there was gone a crown piece, four half crowns, and eight shillings; I did not know whom to charge it to; I had no one in my kitchen but my servant maid and this drummer, who was ballotted on me; I directly takes the servant maid up stairs, and had every thing searched, and found nothing; I takes my candle up and searched the drummer's room, and I clapped my hand into his grenadier's cap, and there I found my property; I left it there, and sent for Mr. Townsend, and we examined him in my club room; I asked him what property he had got of his own in his room? he said, no property there, excepting some silver, which he said was a four and sixpenny piece, and some half crowns, and some shillings; with that we went up stairs together with Mr. Townsend, and as soon as ever he was in the room, he fell down on his knees, and said, the money was my property.

Was any thing said to him, to induce him thus to confess? — He owned it before Townsend had searched one thing: I had not time to speak to him.

Was this closet locked, or how was it fastened? — It was shut, but not fastened.

—— **TOWNSEND** *sworn.*

On the 20th of November Mr. Careless sent for me, and told me the story, and I went to the lad, and desired him to be called into the club room: when I asked him what silver of his own was up stairs, he said

said he had a four and six-penny piece, &c. in his cap; I then took him up stairs, and when I had taken the money from his cap, and told him I should take him into custody, and to Bow-street, he said it was was the first time, and he hoped Mr. Careless would pardon him.

Prisoner. They asked me to tell them about it.

GUILTY, Aged 16.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

50. HENRY WOOD was indicted for feloniously stealing, on the 8th of November last, an hand saw, value 5s. and a pannel saw, value 10d. the goods of Isaac Mead.

WILLIAM HORSEFIELD *sworn.*

I am a builder, I live in Berner-street; on Saturday the 8th of November, on Monday morning the men were at work at a building in Upper Newman-street; soon after I had unlocked the door at six o'clock, they returned to me and said they could not go to work, their tools were stolen; on the 23d of the same month, it was a little past seven in the evening, I was going to lock up the door, and after I had locked it, I staid a little time, and I heard a noise in the area, goes forward, and sees a man in the area, with some saws in his hand; I immediately jumped into the area to the man, and lays hold of him, with some tools on him; he made some struggle to get away. I told him he might depend on it I should not quit him; he had these things in his hand together, we got out of the area together, I took him to the public-house nigh, and I said to him, I believe you are the villain that stole the tools about a fortnight or three weeks ago; he immediately made answer and said, I am; then said I, you have them about you, or have the duplicates; he immediately put his hand in his pocket, and produced thirty-nine dupli-

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cates; I asked him if these were all stolen tools, and he said they were.

Had you promised him anything to confess?—I did not; I took him to the Rotation-office, and there I was bound over to prosecute, but not with these men, I have none of the duplicates in my possession except three; these goods of Mr. Mead's were traced by himself.

What became of that duplicate that applied to Mr. Mead's saw?—I have it now.

JOHN HOVACK *sworn.*

I am apprentice to Mr. Edward Wooding, a pawnbroker, I am pretty sure the prisoner is the man I took in this saw from; I lent two shillings on it, Rhode and another came and asked me if we had any goods in the name of Henry Wood, (*the duplicate produced*) I have not the least doubt but he is the man.

JOHN RHODES *sworn.*

I work for Mr. Horsefield, I received a duplicate of him, and I took it down to Mr. Wooding's, the pawnbroker's, and a saw was produced.

(*The saw deposed to by Isaac Mead.*)

The prisoner called four witnesses to his character.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

51. DOROTHY GREEN was indicted for feloniously stealing, on the 18th of November, one flock bed, value 4s. a wollen blanket, value 10d. two pieces of woollen coverlid, value 6d. the goods of Thomas White.

ANN WHITE *sworn.*

I am wife of Thomas White, he is at sea; The prisoner came to take an empty room

M

room

room of me on the 18th of November, I was very loth to let it her, but she prevailed on me till I did let it, and I asked her what she had got to bring into this room; she told me she had nothing, she said she lay on the bare boards; I told her there was a bed in the room adjoining that, which she took, where a single man lay on, who was gone into the shop, and I gave her liberty to lay on it two or three nights; about seven o'clock in the evening I was gone to bed, I thought I heard a rumbling noise, and could not tell what it was; I got out of bed, and flipt on my under petticoat, and went up stairs, and she was gone down stairs, and the bed was gone; I went down and alarmed the rest of the people in the house; we went to the place where she was come away from that day, I came back again, and carried the watch with me, and I went up stairs and found her rolling these two pieces of carpet in the room; the watchman has got them here.

Are you sure that the bed was safe that night?—Yes, I am.

Did you ever find the bed?—No, never.

Had you let this bed to that woman?—I had given her leave to lay on it; she was to pay me nothing for it.

Did you know this woman before?—No.

What is she?—She cries things about the street, oysters; she has lived about Shadwell some years.

JOHN SCOTT *sworn.*

I am one of the nightly watch; I was called in at eight o'clock at night to take charge of the prisoner, I found these things wrapped up, I asked her what she was going to do with them; nothing, she said, I only took them up to shew you that there was no bed but what these bit of things make that are here; I saw nothing of the bed.

(The things produced and deposed to.)

PRISONER'S DEFENCE.

I was going to bed, I had just come in from some oysters; she told me I had better lay on this bedstead than on the floor; I never stole three pennyworth out of the room yet; I am a married woman, my husband is a coal heaver, he was pressed about six years ago; I have two children out of seven, she desired me to lay on the bedstead, and gave me these two things to cover me.

Court. Have you any witnesses?—They were here yesterday.

GUILTY.

Fined 1s. and imprisoned six months.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

M I S D E M E A N O R S.

52. **W**ILLIAM HUTTON was indicted for obtaining a pair of shoes, value 4s. the goods of Joseph Bond.

JOSEPH BOND *sworn.*

I am a shoemaker; the prisoner came to

my house on Saturday the 4th of December instant, I do not exactly recollect the time; he has been in the habit of bringing these notes for a considerable time from Mr. Powell; I know Mr. Powell exceedingly well, he was a customer of mine.

Had

Had Mr. Powell ever sent you any of these notes as a customer?—Yes, and by the prisoner; he came and said, a note from Mr. Powell, Mr. Bond, and delivered me this note; I received the note from his hands, (*produced*) in consequence of which I delivered to him one pair of men's shoes; I understood he came from Mr. William Powel, the master of Alderfgate-street workhouse, as he had done before.

Mr. POWEL *sworn*.

I am master of Alderfgate Poor-house, (*The note shewn to him, and deposed that it was not his hand-writing.*) I never suffered any one to write in my name to Mr. Bond at all.

Did you give any authority to the prisoner at the bar to get a pair of shoes from Mr. Bond at the time?—No, I did not.

JOHN KING *sworn*.

I am an officer; I was applied to by the prosecutor to apprehend the prisoner at the bar; I took him last Monday night, I found nothing on him; he confessed at Justice Triquet's that he had pawned several pair of shoes.

(*A pair of shoes produced and deposed to by Mr. Bond, as having come from his shop, but not positively that they were had under this note.*)

MATHEW BILBY *sworn*.

I am the county officer; I went to the prisoner's house in Hatfield-street, about half past eleven, searched the house, and found nothing in the room at all, nor any duplicates; I took him off to the Horseshoe, I desired Mr. King to go to the prosecutor, to see if he was the man; he came in, I desired him not to point out the man at all; Mr. Bond came and said that was the man, he stiffly denied any thing; the next day he then confessed what he had done, and gave a list where he had pledged these shoes at different times.

Court to Joseph Bond. This man was a pauper in Alderfgate workhouse?—He was,

Has this man had any shoes of you by notes, which Mr. Powel knew off?—Yes, one pair.

How came you to let him have these shoes on account of Mr. Powell?—I had not the smallest suspicion, I did not examine the notes, but since I have, and I cannot say they are exactly alike.

CHARLES SMITH *sworn*.

I know Mr. Powell's hand-writing; this note is very much different from his hand-writing.

PRISONER'S DEFENCE.

That gentleman told me in prison, that if I would let him know whether it was me that did it, that it should go more favourable on my side, and they would shew me mercy.

GUILTY.

Whipped and imprisoned six months.

Tried by the London Jury before

Mr. RECORDER.

53. JOHN CULL was indicted, for that he, on the first of June last, with force and arms, at the parish of Minstead, in the county of Southampton, on John How, one of his Majesty's officers, in the peace of God and our Lord the King then and there being, unlawfully and violently did make an assault, and him the said John How, then being on shore, in the due execution of his duty, as such officer, did unlawfully and forcibly hinder, oppose and obstruct, against the form of the statute, and against the King's peace.

A second count, for unlawfully making an assault on the said John How, being one of the officers in the service of the Customs of our Lord the King, and on shore, in the due execution of such duty, as such officer, against the form of the statute, and against the King's peace.

A third count, for that he, on the same day, and at the same parish, unlawfully

did

did hinder, oppose, and obstruct the said John How, then and there being one of such officers of the Customs of our Lord the King, and then and there on shore, in the due execution of his duty as such officer, against the form of the statute, and against the King's peace.

The indictment opened by Mr. Litchfield, and the case by Mr. Attorney General.

JOHN HOW sworn.

What are you? an officer of the Customs?—Yes, I am Riding Surveyor of the Customs at Lymington.

Tell us whether on the first of June last, you made any seizure?—Yes, I did, on the first of June last, near Stoney Cross; I seized a horse and cart laden with spirits, John Witcher and William Curtis were in it, I was then proceeding on my way to Lyndhurst, in order to secure it there that night, and about half an hour after I got to Minstead, Cull the prisoner ran out and joined the other two men, and had some conversation with them two, I did not know the nature of the road, I enquired, and a woman had directed me; Cull immediately came up and said, you are going wrong, and wished me to go some other way; I told him I did not want his assistance, and should follow the woman's directions; I told him he had no business to follow me, and insisted he should not; he then began to abuse me, and said, he had as much business on the road as I had; I then insisted he should keep at a much greater distance, for I did not like his appearance at all; soon after that he returned to Witcher and Curtis, and they had some conversation together at a distance; and in about ten minutes after that, they came out of a wood opposite to the cart I was driving, and one of them pulled me off my horse, I cannot say which, nor which of them beat me; it was in that violent manner, I cannot say; but they took a pistol out of my pocket, and while I was laying in that manner, Cull says, d—n him, shoot him; he then immediately after that ran to the cart and horse, and turned it about, and began driving it to

Stoney Cross, which I had seized; and a woman about a hundred yards off, where they beat me, ran out and cried, and ran for her husband; and when she returned with her husband, they were gone; one of them took away my horse, and bridle, and saddle, and my pistol, but I cannot say which of them it was; the horse was brought to me the next day, but the saddle and bridle I never got again; my arm was dislocated at my elbow, and very much cut, and dreadful bad it was for a month, and I never shall have much strength in it.

Was Cull there at the time?—Cull was the most active man, they were all three together, I saw them together as I was down, and they were beating me.

Mr. Knowlys, Prisoner's Counsel. You had first seized a cart and horse?—Yes.

When you first seized it the prisoner was not by?—He was not.

You saw the prisoner come out from a farm yard?—Yes, I did.

He did not make his appearance to you, till you was in conversation with a woman?—He did not come near till then.

You told him, I suppose, rather huffishly, that you did not want his directions?—I told him, friend, you can have no business here, I am convinced, and therefore you had better go about your business.

Upon which he replied, that he had as much business on the road as you had?—He did.

He certainly was not the man that pulled you off your horse?—No, he certainly was not.

You cannot say which of them it was that beat you?—No, I cannot.

Was you at all stunned with the fall from your horse?—They pulled me from my horse.

Did you fall to the ground in consequence of that pulling?—Of course.

I take it you was a little alarmed?—Of course.

What time of the day was it?—About half after six in the evening of the 1st of June.

Mr. Knowlys addressed the Jury on the part of the prisoner.

A cer-

*A certificate from Henry Penton, Esq; To be confined to hard labour on the river
was read, declaring the prisoner was a very Thames for two years.
inoffensive man.*

GUILTY.

*Tried by the second Middlesex Jury before
Mr. Justice BULLER.*

*The Trials being ended, the Court proceeded to pass
Sentence as follows :*

Received Sentence of Death, 13, viz.

Breeze, Robert	—	—	32
Etherington, John	—	—	4, 5
Gorman, Mary	—	—	8
Griffin, Ann	—	—	8
Hart, John	—	—	32
Hunter, Stephen	—	—	9
Jones, Robert	—	—	2
Marshall, John	—	—	14
Ozeland, Elizabeth	—	—	3
Platt, George	—	—	28, 35
Roberts, Phillip	—	—	35
Templeman, James	—	—	28
Withers, Samuel (dead)	—	—	6

Metcalf, Ann	—	—	36
Norton, William	—	—	37
Peart, John	—	—	40
Richardson, Richard	—	—	21
Thomas, William	—	—	25
Watson, Henry	—	—	10
—— John	—	—	16
—— Robert	—	—	24
Wood, Henry	—	—	

*To be kept to Hard Labour on the River
Thames for Two Years, 1, viz.*

James Tull.

To be transported for Seven Years, 21, viz.

Atkinson, Ann	—	—	15
Bond, James	—	—	11
Brewer, William	—	—	49
Clewes, Samuel	—	—	10
Hamilton, Elizabeth	—	—	45
Hardy, Thomas	—	—	43
Harrold, William	—	—	13
Hawkins, Ann	—	—	31
Hyfen, John	—	—	12
Jones, Evan	—	—	44
Jones, Robert	—	—	34
Manley, James	—	—	47

NUMB. I. PART II.

To be imprisoned Twelve Months, 1, viz.

John Cull.

To be imprisoned Six Months, 11, viz.

Sarah Carey (fined one shilling) Mary
Williams (fined one shilling) Richard Chan-
trey (fined one shilling) Joseph Holms,
James Williams, John Harper, Catherine
Jackson (fined one shilling) Ann Seymour
(fined one shilling) William Williams
N (fined

(fined one shilling) Dorothy Green (fined one shilling) William Hutton.

To be imprisoned Three Months, 1, viz.

Mary Smith (fined one shilling.)

To be imprisoned One Month, 6, viz.

Joseph Hore, Ann Chantrell (fined one shilling) Stephen Suffield (fined one shilling) Mary Harris (fined one shilling) George Abberley, Thomas Flockton.

To be whipped, 7, viz.

Joseph Hore, James Williams, John Harper, Thomas Flockton, John Legg, John Tull, William Hutton.

The Trial of William Smith was postponed to next Sessions. The Sessions was adjourned to the Saturday following.

On Saturday, December 18th, 1790, the following Capital Convicts were set to the Bar, who were offered His Majesty's Pardon on Condition of being transported for the Term of their natural Lives.

William Parratt, alias Price, Ann Guest, Ann Yardley, Susannah Brown, Michael Hoy, John Williams, alias William Miller, William Williams, alias Crew, James Smith, John Shirley, Thomas Parsons, John Keys, James Mann, Ann Wicks, Owen Lyons, Ann Taylor, Elizabeth Wyley.

Mr. Recorder accordingly passed Sentence on the above Convicts for their natural Lives.

Also the following in another Class

William Mofs, Ann Jackson (*she desired her child might accompany her: the Court referred her to the Secretary of State*): William North, William Damant, Robert Read, John Mitton, John Cummins, Asker Pollock, Mary Talbot, Joseph Phillips, Thomas Alexander, Henry Jones, alias Denton, James Betts, George Cooke, Thomas Dickson, Elizabeth Asker (seven years) William Slaughter, Thomas Brown, alias John Brown, alias Thomas Newton, William Burbidge, Joseph Biggs, alias John Page, James Sullivan, Thomas Dunckley,

For their natural Lives.

The next Session will begin on Wednesday, the 12th of January, 1791, at the Sessions-house in the Old Bailey.

The Monster.

ON the 1st day of December sessions, 1790, RHYNWICK otherwise RENWICK WILLIAMS was set to the bar, when the opinion of the judges on his case, which had been reserved, was delivered by Mr. Justice Ashurst, as follows :

Renwick Williams, you have been tried at the Old Bailey sessions, in July last, on an indictment founded on a statute made in the 6th year of the reign of his late Majesty, King George the 1st; and the indictment charges, that you, on the 18th of January, in the 30th year of his present Majesty's reign, at the parish of St. James's, in a certain public street, called St. James's-street, wilfully, maliciously, and feloniously, did make an assault on Ann Porter, spinster, with intent, wilfully and maliciously to tear, spoil, cut, and deface her garments; and that you on that said 18th of January, in the parish aforesaid, in the said public street, did wilfully, maliciously, and feloniously, cut, tear, and deface her silk gown and shift, being part of her wearing apparel which she then had on, and wore on her person, against the form of the statute; upon this indictment the jury have found you guilty; but your counsel made two objections in arrest of judgment; the one to the form of the indictment, and the other to the substance of it, namely, that the facts as proved, did not constitute the offence intended to be punished by this act of parliament. A majority of the judges are of opinion that both the objections are well founded; in respect to the first, the words of the statute make it necessary that the assault and the

tearing should be at one and the same time; whereas, here it is not laid as the same act; but for any thing that appears on the face of this indictment, it may be that the assault was on one part of the day, and that the tearing of the clothes might be on another part of the day; because it does not say that you made an assault on such a day, and then and there tore the clothes, but that you made such an assault on such a day; and that on the said 18th of January, you wilfully tore the clothes. Now, the law in favour of a prisoner, requires the utmost precision, and is not to be made out merely by inference; therefore the indictment was certainly not properly or accurately laid; with respect to the other part of the objection, that the case as proved, was not substantially within the intent of the act of parliament; a majority of judges were likewise of opinion that it is not. The occasion of enacting this law, was, that a crime of a very extraordinary and unaccountable nature was then committed, by tearing clothes in the street for the mere sake of mischief; and to bring this case within that act of parliament, the primary intention of the person must be the tearing of the clothes; whereas, your primary intention appears to have been the wounding the person of the prosecutrix: the legislature never looked forward to a crime of so diabolical a nature, as that of wounding his Majesty's subjects in a most savage manner, for the mere purpose of wounding them, without any provocation to the party; if they had, it is probable they would have annexed a still higher punishment for such an

an offence, than that in the act of parliament; but as the legislature did not apprehend, and of course have not provided for it, it does not fall within the province of those who are to expound the law, to usurp the office of the legislature: but though you are not within the lash of this law, as far as a felonious act, the common law remedy is still open upon an indictment for a misdemeanor; and if the fact should be proved to the satisfaction of the jury, the common law is armed with sufficient power to punish the offence, so as to make a man repent of his temerity, in having been guilty of so flagrant a breach of it. At present you will be remanded.

Prisoner. I beg leave to address the Court for a few minutes. My lord, after a confinement of six months, as disgraceful as it has been distressing to me, I feel little satisfaction at the interpretation of the statute, which has neither cleared my character as a man, nor established my innocence in the eye of justice; at last I am only reserved for severer trials, though the letter of the law may not apply to a cruel conviction. I have suffered prejudice, which arms justice with new whips to scourge me. My case remains the very same: it was five months ago; I have no new evidence to offer: such of the family as were present with me in Dover-street, at the time Miss Porter was wounded, have already given their testimony; that testimony has not been credited; as it was the true, being the only testimony I have to adduce, if it did not avail me then, it will not for the future. Much as I have been abused and libelled in the public prints, and bad as a persecuting world will be disposed to think of me, I will neither bring people to perjure themselves, or prove another alibi; my innocence, however, has

not wanted an advocate. After the publication of this, gentlemen, was I to stand a second trial, the same perjury that pushed them on to convict me before, would only be multiplied for the purpose of strengthening those witnesses, as the learned gentleman in his letter to the judge who tried me, has pointed out; and therefore I do not feel the least exultation in discovering that after a cruel and bitter confinement of six months, I have only exchanged a less misery for a greater. Good God! for what am I reserved? without friends! without either money to support me in my difficulties, or to enable me to stand another trial with those whom reward has enriched, and whose case has made friends of all men, it is impossible that a poor and helpless individual as I am, should struggle with the stream, or prevail with those who have determined they will not be convinced. I stand an instance of singular misfortune; while my passion for the sex has nearly been my ruin, that the singular charge of a nature directly opposite, should compleatly be my destruction. I have now nothing to hope for or to look for in this world: to my God alone, to whom my innocence is known, and whom, in this instance, at least, I have not offended, I turn with comfort for support, though justice be denied me here; a father so kind and merciful will not refuse me, when I demand it of my prosecutor in that great day when the judges of this earth will themselves be tried. Most cheerfully should I have sought amongst savages in another country, that protection which has been denied me in this. I have nothing farther to add, my lord.

Mr. Williams was then remanded, being charged on several indictments for assaults, to be tried at the new Sessions-house on Clerkenwell-green.

ON Monday morning, the 13th of December, 1790, at ten o'clock, RHYNWICK, otherwise RENWICK

WILLIAMS, was brought from Newgate to the new Sessions-house on Clerkenwell-green, to take his trial for several assaults committed

committed on the Miss Porters and others ; being set to the bar, the chairman addressed him as follows :

Have you any counsel, prisoner ?

Mr. Swift. Sir, I am counsel for him.

Do you know, prisoner, that you have a right to put off your trial till the next session, if you chuse it ?

Mr. Swift. Sir, he would rather meet his fate at once, and know it ; he has a clear and most indisputable alibi ; but there has been such strange swearing ; and as the former alibi was not credited, I am decidedly of opinion that no one witness shall be called ; not that I am afraid to call them.

Chairman. I could wish not one single word should be said of any former trial till this time.

Prisoner. Mr. Chairman, and gentlemen of the jury—

Court. If you are going at all to open your case, it is improper what you seem to be about ; if you have any thing to say with respect to your trial going on, or not going on, this is the proper time ; but every other circumstance will come more properly when you come to make your defence.

Mr. Swift. I should conceive you would not object to any thing he may be going to say.

Prisoner. The prejudice of the times being somewhat abated, I look round to those who are to protect my innocence, with more confidence of impartiality than I formerly experienced in another place. I trust they will this day restore me to society : the same Almighty being who has so recently chastized me, will, I trust, not always extend his rod, but will this day defend me from my enemies ; relying not more on your justice than on your humanity, I at once plead not guilty ; for should I plead guilty for the sake of form, a mistaken world might be apt to think I actually am guilty, not knowing the reasons and motives that might induce me so to do : I said I would plead guilty ; but I have since determined not to confess guilt under those circumstances, though by so doing I should avoid much perjury from my prosecutors. Sir, your deep penetration, will, I trust, pierce the

veil with which my accusers have endeavoured to conceal the truth from your sight ; and your well-known candor and impartiality will not suffer falsehood to triumph over truth and innocence. You sit there not clothed in the terrors of an angry and sanguinary judge, but with that mildness of humanity with which you always smile at innocence. In your hands I feel myself safe, and I look up to you with conscious hope for support, in the whole of this trial : yours is the voice of justice, because it is the voice also of humanity : to talk to you of prejudice were an insult, not more to your justice than to your understanding. That I have suffered from prejudice, is certain ; but I forgive my prosecutrix, and esteem the former jury for the very verdict they gave me, because they gave it as they believed it : in the same manner I shall respect yours, let it be what it may : I am confident that no other than truth will prevail : if you think me guilty, in the name of God pronounce me that very monster that my soul abhors, and from whose savage hands, I would this moment, at the risk of my life, rescue the very woman who has so barbarously pursued me : to your verdict I submit without a murmur ; and should you think me guilty, let the pains of the law be what they may, I shall continue to trust in Almighty God, to enable me to support those sufferings with the fortitude of a man. Once more, Sir, I address myself to you : neither my poverty, my distresses, nor my long confinement, save me from the obloquy of those, whose purses have long been open to criminate me at all events ; you, Sir, are neither a severe nor unjust judge ; and though I have suffered one conviction, trusting to your mildness and to your candour, I submit to take my trial.

Jury.

T. Lingham, foreman	William Allen
William Robinson	Richard Trotter
William Curtis	John Pulteney
William Collings	Francis Wilk
Robert Scott	Jarvis Buck
Golden Cock	Rowland Thomas.

○

Counsel

Counsel for the prosecution.

Mr. Pigott

Mr. Fielding

Mr. Shepherd.

Counsel for the prisoner.

Mr. Swift.

(The witnesses examined separate, at the request of Mr. Swift, counsel for the defendant.)

The prisoner was indicted by the name of **RENWICK WILLIAMS**, late of the parish of St. James, otherwise called **RHYNWICK**, for that he being a person of a wicked and cruel disposition, did, on the 18th of January last, make an assault on Ann Porter, spinster, and did then and there with force and arms, maliciously beat, wound, and ill-treat her, with wicked intention, feloniously, wilfully, and of his malice aforethought, to kill and murder her; and that he did then and there, with a certain knife, maliciously cut, strike, and wound her, giving her by such cutting, striking, and wounding, with the knife aforesaid, a dangerous wound in and on the right thigh of her, the said Ann, of the length of nine inches, and the depth of four inches, by means of which she was in great pain and anguish, and lost a great quantity of blood, and was in great danger of losing her life.

A second Count, charging him, for that he, on the 18th of January, in the parish aforesaid, did maliciously make an assault on Ann Porter, and then and there with a certain knife, maliciously did strike, cut, and wound her, giving her by such striking, cutting, and wounding, with the knife aforesaid, a dangerous wound on her right thigh, of the length of nine inches, and the depth of four inches, by means whereof, &c.

A third Count, charging him on the 18th of January, for that he with force and arms did maliciously make an assault on her, and then and there did maliciously beat and bruise her, so that her life was despaired of.

The indictment opened by Mr. Shepherd, and the case by Mr. Pigott, as follows—

Gentlemen of the Jury. You have probably many of you, perhaps all of you, been so frequently called upon to assist in the administration of the justice of your country in that important character, in which you are now invested, that it would be very unnecessary for me to attempt to give you any description of that offence which the law in the technical language it is accustomed to use, has denominated an assault and battery; you know very well the nature of that offence; you know in general to what you are to apply the evidence you hear when such an offence is opened. Gentlemen, if this description of the prisoner's offence would convey to your minds any adequate idea of it, it would be very unnecessary either for me, or for any person Counsel against the prisoner charged with an offence like this, to give you any very laboured or detailed description of it, undoubtedly it would; but Gentlemen, such is the state of the law in this country, (tho' I am sure you will presently see, on the smallest consideration, it is no reproach to that law,) that that very peculiar, and very extraordinary crime, unprecedented as it is, and which I hope will furnish no example to others, that extraordinary crime which it is my duty to day to open to you, those who prosecute are reduced to the necessity of prosecuting it as an assault and battery only. Gentlemen, the business of legislation in making laws by which the peace and welfare of society are to be secured, is the effort of civil wisdom, founded on common experience; the legislators are not speculatists on crimes, legislators are not speculatists on the human heart, they cannot foresee all the miserable courses of depravity which it will take, they must therefore proceed according to experience and to civil wisdom; they must provide for such crimes as that experience shews to have been committed; we are perfectly familiar, therefore, with those crimes by which the high roads are infested, and with those lesser depredations

tions in the streets; those also, by which peaceable citizens are disturbed in their dwellings in the night, and so of all the various descriptions of crimes, with which Courts of justice are unfortunately too familiar, with these you are well acquainted; but with a crime of the description, that I am to have the misfortune to state to you to day, no human legislature; no man who had in his power at any time heretofore the task of forming a rule for the conduct of his fellow citizens, could possibly be acquainted, and it therefore stands unprovided for, as it ought to be; but not as I hope it will be, according to your verdict, and the sentence of this Court; and as the most humane mind will think it ought to be, by that punishment which ought to follow for such a crime, of such a nature; a crime, Gentlemen, baffling all human speculation, confounding all the chronicles of this Court, and similar Courts, in all ages of the world. Gentlemen, it is yet however true, that this crime has been committed; and if in looking for a motive for it, if in searching for any possible inducement, you should find that search defeated, I am sure you have too much experience yet to doubt the fact, which will be proved to you beyond the possibility of a cavil. Gentlemen, if we were upon no occasion to believe a fact, the motive of which we cannot discern; if we were to turn the want of motive into an argument of disbelief of the fact; God knows we should be (I will not say every day) but we should be frequently the dupes of our incredulity; and because we do not discover by referring either to our own minds, or to the principles of justice, any impulse by which the person charged with the imputation of this crime, could have acted; it would be singular indeed, if the want of that motive, and the impossibility to discover that impulse, should operate on our minds as a doubt of the fact. Gentlemen, it would be an affeetation, perfectly useless, to attempt to hide from you the transactions which were imputed to the prisoner; and which no doubt have been from time to time the subject of much publication, and much con-

versation. Gentlemen, upon the person, whoever he was, who perpetrated those crimes, and who was the hero of those exploits, the publick have stamped an application that propriety has justified by the strictest use of language; the greatest master in the language, which this country ever possessed, having defined that application, by which the perpetrator of these crimes has been distinguished, to be "*any thing out of the ordinary course of nature*," that is Doctor Johnson's description of a Monster. Gentlemen, having said this, if the prisoner at the bar had not anticipated me, I should have anticipated him, in requesting that you will efface from your minds all recollection of every syllable you have read and heard about that Monster; that you will not recollect, you have ever heard of his name before; that you will not recollect any one of his transactions; that you will totally blot from your memory any conversation in which you have borne a share, or at which you may have been present, in which he, or his transactions may have been the subject: Gentlemen, if it was necessary so to do to men of your experience, I should conjure you to do so, not to believe the prisoner is the man, until you have it established in a Court of justice; not to apply that epithet till you know he is the man. Gentlemen, God knows the object of those, who have with a publick spirit, of which it were desirable that there were more examples, undertaken this prosecution; and their object would not be obtained, if it were possible that even the prisoner at the bar, whom I charge to have been so forgetful to every right of humanity, should owe his conviction to the smallest degree of popular prejudice: I deprecate it as much as he does; and I declare to you, if there be a man in Court, so ignorant of that Gentleman, to whom the publick is so much indebted for this prosecution, and for bringing the perpetrator of this crime to justice, and so ignorant of those, unworthy as they may be, to whom he has committed the conduct of this prosecution, as to suppose it wants the assistance of popular prejudice,

prejudice, they are indeed under a great mistake; for neither he nor I, nor any body having any thing to do with this prosecution, would thank a Court or Jury for any verdict that stands on no better foundation than popular prejudice: I ask you therefore, to dispossess it from your minds, if it were capable of making any effect; and to hear the evidence; to listen to it calmly and dispassionately, and to disbelieve it if you can; I ask you to hear what he says in answer to it, and then to hear what shall be replied to that answer, and to do your duty to the publick; that is all I ask at your hands. I must however take the liberty to remind you, that it would be a most melancholy circumstance for the publick justice of the country, if after a criminal has committed crimes of the description which I shall here lay before you, because he is capable of adding one vice more to those which he possessed, namely, that of cant and hypocrisy; because he is capable of coming into a Court of Justice, and presuming to call his maker to witness his innocence, and address a Jury as he has just done in your presence, and will, no doubt do again, on the nature and extent of his sufferings, that he is to mock publick justice, and go out of Court in a situation to do this, which he has already done; or that because he has the effrontery to set up an Alibi, you are of course to believe it. Gentlemen, I am speaking to men of the world; these are tricks which have been played before, they have not the merit of novelty, and I am sure they will not have any improper effect, though they have before been practised by other persons, in other places. Gentlemen, I shall state to you the facts upon which this prosecution is founded. Gentlemen, Mr. Porter has a wife and a large and fine family, as you will presently see, for you will this day be acquainted with many of them; he lives in St. James's street, the left hand side of the street, going from St. James's Palace into Piccadilly: Gentlemen, he keeps a Hotel in that street; as respectable a one (if that were the question to day) as I undertake to demonstrate, as any in London; he has a large family; he has four daughters who are young wo-

men grown up. Gentlemen, Mr. Porter is not in such opulent circumstances, as to enable him to box up any part of his family, who have occasion to go out for their business or amusement, in a coach; they therefore walk, sometimes with Gentlemen, sometimes without: it happened, Gentlemen, that for some considerable space of time, the exact space of which will not be material here; some time before the 18th of January, 1789, when the fact which is charged on the prisoner happened, that in the course of the walk of these young ladies, the prisoner accosted them in a manner of which there is no example: Gentlemen, young women that are in the street, undoubtedly, in such a metropolis as this is, are not acquainted with the manners of a savage; the address of the prisoner at the bar was totally the reverse of all that ever they had heard; I shall undoubtedly forbear to desire young women to pollute their mouths with the repetition of that language which issued from him, but it was the most horrid, and the least sufferable to human ears: Gentlemen, the two eldest had most frequently walked out together, he had therefore most frequently accosted them in this manner, and that in the broad day, and not at night, in the publick streets, in publick places: Gentlemen, what were young women to do? he did not commit an assault upon them, on those occasions: he did not strike them; he approached them in a manner of which there is no example, and such as I have given you some faint idea of; they mentioned it at home, the manner, the frequency, the time of the day when the prisoner accosted them in this manner, gave them the fullest opportunity of being acquainted with his person; and I state to you now, that these young ladies were as familiar with his person, as with that of their father, they did not know Mr. Porter's person better than they knew that of the prisoner: Gentlemen, figure to yourselves, young ladies, such as these whom you will presently see, and whether there is any thing in this, calculated to make an impression, whether it is like

like a gentleman passing a young lady, taking off his hat and asking how far she was going, or so on; that kind of civility does not lead a young woman particularly to retreat, is it that kind of thing: No; it is a man's accosting them in a shivering sort of voice, expressing some thing that is unintelligible, and when he speaks, speaks a most horrid language to them, talks of drowning them in their blood, and of blasting their eyes; are those circumstances to make impressions upon young women, or are they not? Are they likely to know the person of the man that does this, and is all this in the open day, when they are subject to no mistake whatever, when they turn round and look at him? Why, good God! have you any doubt that person to whom such an extraordinary transaction happens, and happens more than once, happens repeatedly! have you any doubt but they know, and are perfectly acquainted with the person of the man that does this: Gentlemen, there can be no doubt; and it will not avail the prisoner to say, either that the person who did all this, was him, but that he was not the person that committed the fact, in which the crime principally consists; or that he was not the person guilty of any of the transactions: Now Gentlemen, the effect this had on these ladies minds, and in the family, was such, that he had by them a name given to him, (not that which the publick has since with one voice unanimously given to him) he was called *the Wretch*; that was the name they described him by, and I dare say, they will tell you, that if they had the pleasure of being acquainted with any one of you, and saw you passing on the other side of the street, they could not have conveyed a more correct idea to the family, that an acquaintance was passing, if they had seen you there, than they described the prisoner, when they said in the family, there is *the Wretch*; or when they related any of his ill behaviour in the street to them; that is *the Wretch*! so that they had the person of the man, perfectly familiar to them, and the name applying to that person. Gentlemen, on the 18th of Janu-

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ary, these young ladies, the two eldest, Miss Ann and Miss Sarah Porter, went into the gallery of the ball-room, at St. James's, as perhaps they had done before, in order to see the ball, &c. (Here the learned Counsel minutely related the circumstances of the case, as were after repeated by the Miss Porters and the other witnesses, declaring that he had not words to express the dreadful injury, the shocking barbarity, the brutality, the ferocity of the prisoner, who in total want of all morality, of all humanity, and of all the claims of manhood, had made this attack on the person of Miss Porter. On the point of identity, Mr. Pigott observed) "If those circumstances leave reasonable doubts about identity, there is an end of human testimony; no man can be identified, that one does not live with, and eat and drink with, and see all day: Gentlemen, this is the outline of the case I shall have to lay before you; I shall not anticipate the nature of the prisoner's defence. Gentlemen, in the discharge of the duty, which is now upon you, you have this satisfaction, that whereas, in other cases, though the law will have sacrifice, yet undoubtedly, your hearts often bleed over the victims that we are obliged to drag to the altar of justice; but in the present case, all the sensibilities of a good mind must have the contrary effect here; we know that the consequence will be, that this man will be prevented from doing such mischief for a time at least, and we are to hope, that he will be disposed of, after he has suffered the sentence of the law; he has had the benefit of that law already; the venerable Judges, who administer and interpret it, have been of opinion, that even against him, when they had in contemplation such a crime as *his*, that the spirit and letter of a statute is not to be stretched an iota, even in his case: Therefore, Gentlemen, here we are before you, on an indictment of an assault and battery, and I am persuaded you will do in this case, between the publick and the prisoner, that justice which will give the most complete satisfaction."

P

Miss

Miss ANN PORTER *sworn.*

(*Examined by Mr. Fielding.*)

Every man here, Miss Porter, must feel for your situation; and let me desire you to be collected, and to put on the fortitude that is necessary for the end of public justice, and do not suffer yourself to be overcome by any alarm.

Miss Ann Porter then gave her evidence to the same effect as on the former trial, only mentioning several other times, in which the prisoner had previously insulted her and her sister; one of the jury asking, whether the language he had used was indecent or threatening? Mr. Fielding said, Madam, if you happen to know that sort of language, was it swearing, threatening, or indecent? To which she replied it was all; when she had finished, Mr. Fielding said, "Miss Porter, now only let me desire you not to be alarmed but collected; recollect the object of public justice, which alone you pursue; and any questions that are put to you by the gentleman concerned for the prisoner, answer them coolly."

Mr. Swift. Whatever opinions have gone abroad of me, I can only say no person has felt more for your situation than I have; I only wish to obtain the truth from you, and shall disappoint these gentlemen in their expectations.

You are sure it was not a quarter after twelve when you left the ball-room?—I am sure it was not.

Was not you much agitated when you felt the blow?—However agitated I might have been, I should have known the prisoner.

Mr. Swift dwelt very much on the circumstance of some lamps, which were obstructed by two bow windows, which might prevent her from seeing the prisoner's person; to which she said, there was a sufficiency of light to see, and she was sure it was him. Miss Porter being just ready to faint at the manner of *Mr. Swift's* putting his questions, he was reminded by the Chairman, that the mode he adopted was not

the most likely to get at truth; upon which he apologized and said, it was only his impetuous manner, and he would endeavour to be more temperate.

When you got home, after all the abuse you had met with in the various walks; whether you told your friends of that conversation?—I do not know what you mean by the various walks, I always told my friends when I went home; my situation always betrayed what I had met with.

When the prisoner came into the room, had you, and your sister, and Coleman any whisper in the corner?—Whisper! no; why should we? we had no occasion to whisper.

Whether the lady did not say at Bow-street, the prisoner had brown hair?—I always said, I thought he had brown hair, but whether light or dark I could not say, because it was always powdered.

Did not you describe him with a remarkable large nose, and very thin?—I said he was by no means a very thin, slim man; for he rather was stout made; I described him in the best manner I could; he appeared to me to be about twenty-eight or thirty.

Mr. Fielding. I forgot to ask a question of infinite importance to the public, and I ask it by way of introducing hereafter, the most respectable testimony that ever was introduced into a court of justice; I mean *Mr. Angerstein*; Have you ever received any reward for the evidence you have given?—Reward! Sir; my God.

You never had?—Never, Sir; *Mr. Angerstein* told me I was entitled to part of the reward; and I was surprised at the proposal, but I rejected it.

Mr. Swift. Had you directly or indirectly any interest through the medium of *Mr. Coleman*?—Interest! Sir; I wonder how you can ask me such a question; what connection have I with *Mr. Coleman*? good God, Sir, no.

Mr. Fielding. If any body should have said, that you have received fourteen hundred pounds on account of this; is it true or false?—The most infamous falsehood that any body can advance.

Miss

Miss SARAH PORTER *sworn.*

Gave her evidence to the same effect as on the former trial, and was perfectly sure to the person of the prisoner; she added that it was three years since she first saw him; she was cross-examined by Mr. Swift, at considerable length, which she supported with more spirit than her sister, but nothing more material transpired on her cross-examination. Of the language used, she said it was the most shocking and indecent she ever heard; and that it was indecent, inhuman, and abusive; she gave an account of the blow he gave her, and had said he was in the extreme twenty-five, twenty-eight, or thirty years of age; but upon the question being repeated, she said, she did not recollect exactly what she said, but she never spoke positively about his age; she also said she never saw him before without powder.

Miss REBECCA and Miss MARTHA PORTER *sworn.*

Deposed also to the same effect as on the former trial, and were also cross-examined by Mr. Swift; they also never saw the prisoner without powder, and had seen the prisoner when he had not spoken to them before.

Mrs. NEALL *sworn.*

Who was not examined on the former trial, deposed to being with Miss Porters, and confirmed their testimony, but did not see the prisoner's face; as she was going up to Mr. Porter's door, she received a blow on the left side of her temple, which for a moment stunned her; she saw a light like a flash of fire from her eye; as soon as she recovered herself, she saw a man couching down, but did not see his face; she said there was plenty of light in the street, and every subscription house in the street was illuminated.

JOHN PORTER *sworn.*

Deposed that he was almost fifteen years of age, that he remembered opening the door to his sisters, and a man stood behind

them looking in; he never saw him before, and could not swear to him.

Mr. TOMKINS, the Surgeon, *sworn.*

Described the wound given to Miss Porter, as in the former trial; and added, that he had been in many scenes of horror, but never saw any thing that affected him so much before; that the room was full of blood, and the poor girl laying like a dead corpse; he said that if he had been to have made an incision as a surgeon, he could not have made a clearer wound; the instrument must be very sharp; she had a fever, and was five or six weeks before she could walk.

John Coleman and Macmanus deposed to the same effect as on the former trial.

JOHN JULIUS ANGERSTEIN, Esq. *sworn.*

Subsequent to the last trial of the prisoner, some days, I sent for Mr. Porter, and told him there was a reward to be given of fifty pounds, on the monster's being committed, and fifty pounds more on his being convicted; and I thought his daughter being so accessary in the finding of him, that she was intitled to half; and Mr. Coleman was to have the other; the father thanked me, and gave me no answer; he brought his daughter the next morning, I repeated to her as I did to the father, told her that I thought she was intitled to fifty pounds, as the reward, in being so accessary in taking of Williams; she thanked me, and refused the money, and said she would not touch a farthing of it, on any consideration whatever; the father then said, Sir, I approve of my daughter's conduct.

Sir, in point of fact, they have, neither this man, nor any part of the family, either directly, or indirectly, had any part of it?—If the contrary has been asserted, it is a mistake.

Mr. Swift. Has Mr. Coleman had any share in it?—Yes; I sent to Mr. Coleman some days after, and told him I had made an offer of half to Miss Porter, and that he was intitled to fifty pounds; he desired some days to consider of it; and some days after

I gave

I gave him an order on Mr. Taylor to pay the 50l. to him; I believe he sent somebody for it; I believe I gave an order to Mr. Taylor, who collected the subscription; it amounted to 135 guineas; this family neither directly nor indirectly have touched a shilling.

Mr. Swift then began the Prisoner's Defence, as follows:

Gentlemen of the Jury. I never felt myself in a more awkward situation in my life than I do at this moment; not that I have a bad case to defend, for I think that I have an exceeding good one; but the difficulty I have to contend with is, with gentlemen of great abilities, so great, that I cannot add to them by any praises of mine; I feel my own deficiency; I have been bred to the profession, as you see, but very unhappily I am very much out of the habits of it; I shall therefore hope for some candour and allowance, if through the impetuosity of my temper, or any other cause, I should fall into a mistake: I have another circumstance to encounter; a popular idea has gone forth, but I trust it is very ill founded indeed, that I have an enmity to the sex, and that no man would take up the cause that had not; these are calumnies, however, that no man will venture to my face, and I am sure there is no woman that will: Gentlemen, the cause of beauty is that cause which every man must be proud to be engaged in; but, on the other side, on the closest investigation of the case, the more I examined into it the more innocent I found the man: as for the *alibi*, I assure you I set it at naught; not that I think that the witnesses are not to be called, but I advised them not to be called; however, I hope you will presently hear them, their testimony will be such which will sufficiently set aside the evidence against the prisoner: the learned Gentleman, whom I must follow at a very humble distance, and in the lowest of his train, he opened this matter, and appeared very much moved; he said he would this day establish the case beyond the possibility of a cavil: I am in the correction of

the Court as to the expression, but I will not grant him that he has established it beyond the possibility of a most substantial contradiction; he has described this person, whoever he was, that committed this outrage, as a monster; and I do think that, when he joined his voice with that of the publick, he could not give it a more strong name; it is that sort of name which perhaps may be the strongest our language affords; I heartily join issue with the Gentleman that he also has very humanely and candidly desired you to withdraw your minds from all prejudice; I think the prisoner very happy in so enlightened a jury, and I am sure that no circumstance of a former trial will weigh one single feather in the scale this day: Gentlemen, the learned counsel, Mr. Pigot (and I do not mean to impeach the principles, integrity, and virtue, of the worthy Gentleman), observed, that the character of Mr. Angerstein could not be impeached; now, although a man may mean extremely well, yet rewards of a very high and exorbitant nature are attended with a dangerous influence, and in the calendar of the country instances may be found of men who have not only trumped up evidence to obtain rewards themselves, but to get it in others; I do not mean it is so this day; the legislators have fixed on rewards of a certain sum; and I must say, when a private individual steps out of that line which is constitutionally appointed on those occasions, however he may not err in his heart, he certainly errs in his judgement; the influence which rewards have, if it has not been employed on some part of the evidence you have heard to-day, has been received by others, and you will judge what credit you will give to that man, I mean Coleman: Gentlemen, I am very unused to publick speaking; I have been about this business all day; and if I am in a labyrinth, you will get me out: my learned friend, who first addressed you, called the address that the poor prisoner made to you cant and hypocrisy; he said it was nothing more than cant to call his Maker to his innocence, that it was a mockery of publick justice;

I presume

I presume not, and shall establish it to your satisfaction: the Gentleman has softened the expression, by calling it tricks that have been played before: he said they were a fine family, and that they are a fine family you have had a sufficient proof; the Gentleman should have left that to you; I know very well the power of beauty, I know very well its influence on the human heart; certain I am you are not men if it would not have an influence; they are a fine family; but because they are a fine family, justice must not lean all on one side: I shall now, Gentlemen, go into some part of the evidence; and I believe some of you have taken notes more correctly than I have: first, I must press on your memory the circumstantial and very strong declarations of the two first witnesses, and Mrs. Neale, with respect to the hour that they came out of the ball-room; that hour is the best part of my case; therefore I desire you will remember it was a quarter after eleven: Gentlemen, the only question for your consideration is, whether the person who committed this outrage was the man at the bar. Miss Sarah Porter tells you, that just as she passed, a chair was going by, and she felt at that instant a stroke from somebody, who I am very ready to admit was the person that wounded her sister; that they ran all together, and both described that the person, whoever he was, struck that woman, and stooped down; one knew him as he stooped down, and the other knew him as he stood up: Gentlemen, I shall call a witness to you, that shall prove to you, that there is literally a bow window on each side the door, which sufficiently intercept the lights: Gentlemen, your own reason, without my proving it, will tell you, that if there is an interception of light on the right and on the left, if a man stands with his back to the light, it is impossible the light can fall on his face; the only question is, whether, under all the circumstances of the case, this was the man who committed that outrage. Miss Sarah says she knew him by the lights in the passage; that she saw a man, and afterwards believed him to be the man;

NUMB. I. PART II.

that I will not dispute; the brother, however, though he held the door in his hand, recollects nothing of him; why not? he did not know him before; therefore the sisters they go on their fore-knowledge, and one of them tells you, if she had not known him before, she should not have known him then; she knows the man that abused her, she knows the man that insulted her, but not the man that wounded her; they have been more circumstantial than they were before: Gentlemen, I happened to use a term very much made use of in the profession, I called it *bolstering* up of evidence; I do repeat it again; let it give what offence it will, they have found it convenient to bolster up the weak part; they have produced the brother, to prove nothing; they have produced Mrs. Neale, because she has done them no good; they produced her, in order to bolster it up, by a number of evidences, to bring out such matter as was not brought out before; they chuse to bolster it, and I will repeat it here in, and out of Court: Gentlemen, on the former trial I must make an observation; when the Miss Porters told their story there, they did not say one single syllable that, when they got into the house, they mentioned the man to their father, mother, or brother; only that they were wounded by some man or other; to-day they begin and produce the same people, and they themselves get out of them what they know would have been extorted from them in private conversation; therefore I repeat; they are brought to bolster up the weak parts of the former trial. With respect to the number of times that they say they saw the man, I do confess that they saw some man extremely like the prisoner. If there is any one fact that can strengthen the case, that at times a man like the prisoner, and at other times some man, would stop them, and use words the most dreadful; that a man should at one time be so wanton, so savage, lay aside his dignity, and that at another time he should pass on, and not speak to them; this is extraordinary, and I am not disposed to believe it; however,

Q

that

that some man has insulted them in this manner, in their various walks, I do most sincerely and most verily believe. Gentlemen, with respect to the point of identity, there was a particular case, I forget the very year, where a very worthy Gentleman, Sir Thomas Davenport, was robbed somewhere in the vicinity of London; he, his wife, his coachman and footman, and I do not know how many more, swore in a very formal manner to two men; Sir Thomas went so far as to swear to the horse; Lady Davenport would not swear to the horse; I think there were thirty as respectable people as Sir Thomas himself, who proved an *alibi*, and the men were both honourably acquitted; and yet it was admitted, on all hands, that Sir Thomas swore with the utmost purity of mind; and so the mistake is here; I say it is no impeachment of her veracity, when I say that Sir Thomas himself was mistaken; I only mention this to shew, that though the witnesses speak positively as they have thought, yet that they may be deceived; and if I should bring such witnesses to you to night, who shall tell you that they are not mistaken, on another occasion, that they could not be mistaken, I trust you will at least doubt the evidence on the other side, and give the same degree of credit to the testimony on the part of the prisoner: the Gentlemen know the witnesses I have to call; they have had a long time to inquire into the characters of them; if they will bring any one to impeach their characters, I will give them up; I defy them, and dare them to it; Gentlemen, I knew the credit of them before I undertook this cause; I inquired into their credit: Gentlemen, the learned Gentleman has been long versed in the school of eloquence; I have been a retired man; I took up this cause with the feelings of a man; the learned Gentleman can wind round you, he knows all the roads to your hearts; he can talk of a fine family, to work on your feelings; I do not possess those powers; I must tell you, in direct terms, that from my soul I most sincerely believe the prisoner innocent: Gentlemen,

the evidence of Miss Sarah Porter, the second sister, is pretty nearly the same as the first; I say, she, in conjunction with her sister, was mistaken: God knows how far her anger against some man that has offended her may induce her to say, let us take up this man: on the other hand, I must observe, that it is a very easy thing to cry, A mad dog! and if you let such a one loose, he may be hanged: you know the story of the Quaker; says he to his dog, "I will neither hurt thee, nor kick thee, nor starve thee; but I will do this; I will give thee a bad name, and let thee loose; halloo, mad dog!" I have that confidence in the Gentlemen on the other side, that they would not take a step that is irregular: it has been usual, in Courts that I have attended, if a counsel on the other side goes to object to the witnesses, and he wishes to know what they call them for; I hope there is impartiality in the Court, and that I am not beat out of that either by the authority above, or numbers below; very likely the Gentleman, when he comes to reply to me, will tell you a very different story: I must say again, that if these two witnesses do not say positively that the prisoner was the man that stabbed Miss Ann Porter, they prove nothing at all; I fancy I shall not be able to prove, because unhappily the poor prisoner is the only person that can prove it; but there has been indisputably an acquaintance between the prisoner and the witnesses, and yet it happens very fatally that there is a flat resemblance between the prisoner and some other man, and that the conversation and the knowledge which the prisoner and the witnesses have was of a very different nature indeed; I will not stain the word justice, by saying that there were private motives behind the curtain, but that there were conversations of a very different nature, such as excited the present prosecution: Gentlemen, one thing you will observe, some of the witnesses—*(but, faith, I am so fluttered)*—they say that when he used to assault them the mother was not with them; and yet it comes out, that sometimes he did not assault them when they

they were alone; but there being two different men; for my own part I see it so strong, and I think the prisoner's alibi will give you the utmost satisfaction: with respect to Mr. Tomkins, I have nothing to say to him; I was almost surprised to hear him say, he never heard of any ladies that had been assaulted since Mr. Williams was in custody; however, as he said he never heard of it, it is very possible he never did. Gentlemen, notwithstanding this surgeon of very extensive practice, I will call a surgeon of less extensive practice, whom I know very well; and whose word I would take beyond the oath of any one of the witnesses I have heard to-day; and if I prove there are any such men abroad, that have used the very same gestures, the very same language, and whose persons answer the description, not of the man at the bar, but of the man that was described at Bow-street; I will prove to you by and by, that there are ladies who have been wounded by a man, who answers the exact description of Miss Porter, in Bow-street; if it will be any satisfaction to the Court, it will be sworn. Gentlemen, I could tell you of a lady that has been most barbarously and cruelly wounded; I was with her at the moment it happened, on the 20th of August; and a most cruel business it was; and I am sorry to say that was the seventh time she had been assaulted since Williams was committed. I could not get the lady here to-day; her father-in-law is a very old man, and he is dangerously ill, but I hope you will give credit to the fact; if not I will be sworn to the truth of it; however, if it should appear that women have received frequent and dangerous wounds in these parts; if it should appear, that the very man who wounded this lady, answers the exact description that Miss Porter gave at Bow-street, and used the exact language of Oh, Oh; and stared her in the face, and stooped at her; I think it will have some influence upon you. Gentlemen, I trust, as the dignity of human nature is at stake, and as a poor, helpless man stands here unbe-

friendred, humanity will step forth: if the learned gentlemen deny me that justice here, I must say before-hand, they are afraid to meet the question: as for me, gentlemen, I have nothing to gain in coming here, I may have some character to lose; it may receive a sort of stain from the public; I despise the insinuation from my soul and heart; I despise the man that dares attempt it; I believe I should not stoop to kick him. I stand here, not the defender of the Monster, but the defender of another man; if I prove Williams was at another place, and that there has been these outrages committed by a man of a similar description, I shall gain my point. Gentlemen, I do not wish to take up your time, one observation more, and I will sit down; as to Macmanus, he found no instrument of a dangerous nature; and, with respect to Coleman, it is impossible to follow that man without expressing indignation, which I should be sorry to do: I beg to be corrected in a gentleman-like manner; but of all the witnesses I ever beheld, Coleman is the most extraordinary; the man follows him, he says, out of the Park; he says the prisoner came and looked at her; to be sure he did; they had been always accusing one another; this gentleman was with her and discovers her fears, and she tells him it is the Monster: away goes Monster, and away goes Coleman! I am told the prisoner is a very remarkable active man, and a fast walker; which way the prisoner went is very immaterial; but the prisoner did not look up at a house in Admiralty-court, that I assert; and I expect my word should go beyond his oath at any time; then he went into St. James's-street, and he looked into his brother's shop; observe he does not go across St James's-square, but up St. James's-street, where his person must be known by those ladies whom he so often met; and though they passed Miss Porter's door, they never attempted to take him in; it is all a trump up piece of business throughout. [Mr. Swift continued his observations on the evidence of Mr. Coleman for some time, and said he had enquired into

into the prisoner's character, which he had found to be good; and that he should establish an indisputable alibi, and trusted to the jury, that with their mercy and good sense mixed together, he should have a verdict for the defendant.]

Catherine Armet, Amiable Mitchell, and Frances Bowfield, attempted to establish an alibi, as on a former trial, with some variation, however, in respect to some circumstances; for on being asked how they knew he did not leave Mitchell's till half past twelve, they said they knew the time by the quantity of work that was done, and did not look at a watch or clock; and one of the witnesses said the prisoner might have gone out, and she not have seen him. John Jerceaux proved by an order given to Mitchel for a dress for Mrs. Abington, as mentioned in the former trial. Two of the witnesses said he never went out at the street door, and it was impossible he should, without their knowing, because of a bell. Mr. Swift then informed the Court that he could call five or six witnesses to the prisoner's character, but that as it was so late, he would not detain the Court. Mr. Pigot replied at considerable length, in a very forcible manner, to Mr. Swift's observations, and concluded with reminding the jury of the situation some of their families might be in, if by their verdict the wretch should be set at liberty again. After which the chairman summed up the case, recapitulating the whole evidence very minutely, with many pertinent observations, and begging the jury, for God's sake! to divest themselves of all prejudice; and at one o'clock the jury retired for half an hour, doubting only whether they should find the prisoner guilty of an assault, with an intent to murder, or only of a common assault, when they returned with a verdict,

GUILTY of the whole indictment.

At half after one in the morning, the Court adjourned to the next morning, at

eleven o'clock, when being resumed, the prisoner was again set to the bar; and the same jury, with a variation only of Mr. R. Young, in the room of Mr. Trotter, were charged with him; he was indicted for a similar assault, on Elizabeth, the wife of Thomas Davis, with two other counts.

The indictment opened by Mr. Shepherd: and the case by Mr. Fielding, as follows:

Mr. Chairman. Gentlemen of the jury, before I call your attention to the particular circumstances of this case, I cannot help availing myself of the opportunity which is now offered me of congratulating you on the justice you have done to your country; and I will say without a particle of flattery, that there never was an instance in this kingdom, of a more patient, a more deliberate, and a more unprejudiced enquiry, than was manifested by you yesterday, when that trial was before you. Gentlemen, you had the satisfaction not only of doing a noble piece of justice to this country, of quieting those alarms that were excessive indeed through this metropolis, but you have likewise the satisfaction, I will now tell you, of restoring peace to an innocent family, that have been for a considerable time in the most miserable agitation: for from the first commission of the crime on Miss Porter, that whole family have had no peace; and by this time you are aware that a late publication must have contributed extremely to their uneasiness. Gentlemen, I very well know the quarter from whence that publication came; and I cannot from my soul think but it proceeded from a laudable, though mistaken motive: it frequently happens, that looking at some objects with a particular attention, and not regarding some which do not obtrude themselves to the view, a prejudice is begotten in the human mind; and under the influence of that prejudice, a man is led into a variety of mistakes. [Mr. Fielding proceeded to state the circumstances of his case.] Mr. Swift observed, that let the writer of the publication alluded to, be whom he might, he knew him

him so well, that he was not ashamed of a single tittle of it; and that another publication on a late trial would appear.

ELIZABETH DAVIS *sworn.*

(*Examined by Mr. Shepherd.*)

I am the wife of Thomas Davis. In May last, I lived in Clarke's-court, Holborn, very near Little Turnstile: I was coming up Holborn, last May, the 5th, between nine and ten in the evening: a man spoke to me; the first word he said, was, where are you going? I did not immediately answer him; he met me, and turned back with me; I did not know he spoke to me; he said again, where are you going? I said, home; he said, where is your home? I said, not far; he said no more to me for some time; he continued walking a little before me, and sometimes a little behind, from the top of Chancery-lane, to near the Bull and Gate; he then accosted me with a nosegay he had in his hand, and said, are not these very pretty flowers? to the best of my recollection; but I cannot say to this last word; it was a largish nosegay; I said, yes, Sir; I did not take particular notice of the flowers; he put it to my nose, but I did not let it touch me.

Had you an opportunity of observing his face and his person?—I took particular notice of him every time he spoke to me; I looked at him when he spoke to me; he then said, will you smell at them? and I said, no, I thank you, Sir, I am not partial to flowers; and I did not think they were natural flowers, but I did not say what I thought.

Did it occur to you, at the time that he had the nosegay in his hand, that they were not natural flowers?—Yes, it did; after that, he directly caught me by the throat, and with his other hand he gave me a blow across the thigh; and at that time I heard my clothes rent.

Did you feel the wound at that moment?—No, Sir; I pushed his hand from my throat, and he struck me a blow on my breast; I cried out, to the best of my know-

ledge, murder; I cannot tell what became of him; he went on, and I turned up my own court, I was so near my own home; there is but one house between the yard and the court; I knocked at the door, and they let me in; I first saw my landlady, Sarah Garrison; I was so much alarmed, I was not sensible; I did not know what I said; I fell into a fit, and was laid on my landlady's bed.

Do you recollect what coat this man had on?—To the best of my knowledge (it was candle-light) it was a light coat, with buttons of the same; it appeared to have a lappel, with buttons on the breast.

Had you an opportunity of seeing his face at the different times he spoke to you?—Yes, a great opportunity, because all the shops were open.

Turn round, and see if you can see the same man again?—Yes, that is the man.

Have you the least doubt?—Not the least in the world. I went to Bow-street; my landlady was with me; I saw him in the yard among a great number of other persons; and I said to Mrs. Garrison, that is the man that cut me.

Had you any body to point him out to you, except your own recollection of his person?—No, Sir; there was no person there to say any thing to me; and as soon as I came out of the house into the yard, I saw him, and singled him out directly; he was dressed in buff and blue.

Had you ever been taken to Bow-street by other people?—No, never.

Do look at him again, and tell the jury whether you have any doubt at all of that being the same man that struck you?—No; I have no doubt of the features of his face; his hair was dressed with powder at that time.

Mr. Swift. I have an alibi to this case; I will not ask you a question; as it happens, it is the alibi of yesterday.

Mr. Shepherd. Have you received any reward for giving this evidence, of any sort?—No, not one single farthing, nor any promise of any from any body.

Court. How long after that did you see him?

R

him?—When he was at Bow-street, the 4th of June; I never saw him before to my knowledge.

SARAH GARRISON *sworn.*

(*Examined by Mr. Fielding.*)

I keep the house where this poor woman lodges; I remember her coming home on the 5th of May; she hallooed aloud in the court; I did not know her voice; I thought it was a common prostitute; I did not open the door directly; she knocked twice before I opened it; and when I opened it, I asked her what was the matter? she did not answer me any farther, than she said, *oh, the man! the man!* I shut the door, and she dropped down in a fit; I went with her afterwards to Bow-street; and she went into the yard and pitched on the prisoner; there were a great many people in the yard; I thought it was a gentleman that was walking under the Piazzas; she said, no; it was a gentleman in blue, with a buff waistcoat; I never saw the prisoner before; she said she did not think the flowers were natural.

Did you see the wound on this poor woman?—Yes; she was ill about nine days.

Was it a cut with a sharp instrument?—It was like a scar; but the blood was within the scar; no blood besides; it seemed to be a small instrument; the clothes were cut all through at the same part as the wound was.

PATRICK MACMANUS *sworn.*

Did you go at any time to No. 52, in Jermyn-street?—Yes.

Did you find any clothes there?—Yes; that is the house where the prisoner's mother lived; I went there after I had been to his lodgings; he lived at the George Ale-house in Bury-street; I found this coat at his mother's, a light coloured lappelled coat, with buttons of the same; the prisoner said it was his coat; he did not deny it at all.

Court. Did you ever describe the dress?—Yes, to Mr. Angerstein, at the house, before the prisoner was taken.

JULIUS ANGERSTEIN Esq; *sworn.*

I saw this poor woman, I believe, a day or two after this happened; she came very ill to my house; she described the coat to be a light-coloured coat; I do not recollect the circumstance of the lappels; I was not well myself at the time; I took particular notice of it, as it was different from the other description.

Did you hear her say any thing of the buttons?—No, Sir; the first description I had of the monster, was a blue coat; and she differed in the colour of the coat so much, that I took notice of it in another advertisement.

The prisoner was going to enter on his defence; but Mr. Swift said, not a word, Mr. Williams; you was prevented from speaking last night, and you shall not be permitted to speak to day.

Prisoner. I shall take the advice of the gentleman, my counsel.

Mr. Chairman. Gentlemen of the jury, I must say, that I never saw either in this, or any other court of justice, a jury conduct themselves with more impartiality, more coolness, more fairness, more deliberation, and more propriety, than you did yesterday; you have done yourselves great honour; you have done your country great service. I am now, gentlemen, to call upon you, and endeavour to impose upon you a still harder task; that you would endeavour, if possible, to forget every thing that passed even yesterday; and to treat this as a new offence; and to treat the prisoner, in your judgment upon him, as if you had never heard of him before, but that he was now, for the first time, brought before you, charged with an assault, proved only by one witness, but with certain corroborating circumstances. Here the chairman summed up the evidence; and the jury immediately found the prisoner

GUILTY.

The prisoner was again indicted for a similar assault, on Elizabeth Baughan, spinster, on the 6th of December, 1789.

Mr.

(Mr. Fielding opened the case.)

ELIZABETH BAUGHAN *sworn.*

I remember being with my sister Frances on Westminster-bridge, on the 6th of December, 1789, about a quarter past seven at night; I was coming towards Parliament-street; I observed a man following us pretty close in Bridge-street; he kept grumbling in a low tone; I could not hear what he said; he came to the side of me, and walked almost to the end of Bridge-street; I saw him very clearly; he endeavoured to push himself between my sister and the rails; he hit my sister about the small of her back, and then he struck me just at the small of my back; he struck me only once; my clothes were cut to pieces, and a streak on my back; it must have been with some sharp instrument; I saw the prisoner at Sir Sampson's, and pointed him out immediately among others, by my recollection of his person, and by nothing else.

Look at him now?—That is the person.

Have you any doubt?—Not the least: I went to see some other persons at Bow-street, but they were not the right persons. *(A blue silk gown produced.)* It is cut about half a yard; it was folded up round me; I did not hear it rent at the time; the rest of my clothes were cut, and I am positive they were not cut before, and the scratch corresponded with the cutting of the gown.

Mr. Swift. Unfortunately we have an alibi.

FRANCES BAUGHAN *sworn.*

I was in Bridge-street with my sister. I heard the prisoner say (with his mouth close to my ear) blast you, is it you; he swore bitterly all the way. The blow on my back threw me forward, and I turned round and observed him strike my sister, and he kneeled nearly on one knee when

he struck my sister, which was with great violence, and he swore at the time; I saw his face very plain, but not at first; and it came to my recollection, that I thought I had seen him, and knew his voice before; I did not know him so much by seeing him that night, as two years before, when he insulted me from the King's Palace to May's-buildings, and never from that time did I forget him; he insulted me very grossly, inasmuch that I slapped his face in the park; I cannot positively say it was the same man; but I think it was from his voice and person.

Look at him now?—I do not forget him.

The prisoner made no defence. The Chairman summed up the evidence.

GUILTY.

Mr. Fielding said, there was an indictment against the prisoner, for an assault on Miss Sarah Porter; but he was instructed to say, the family did not mean to prosecute him farther. There were several other indictments against him; but the ends of public justice being answered, for which alone these prosecutions were set on foot, he would not go on with them.

The Court considering their verdict, the Chairman addressed the prisoner thus:

Rhynwick Williams, you have been indicted for an assault on Ann Porter; you have been tried and found guilty, by a cool, impartial, dispassionate, and deliberating jury, much to the satisfaction of the Court, and much to their honour; for I must again say, that I never saw a jury conduct themselves with more propriety in all the experience I have had of courts of justice; they seemed to have divested themselves of all prejudice, and to be unconnected with the general mass of people. The sentence of the Court on you, therefore, is, that for the assault on Miss Ann Porter, you be confined

confined in Newgate for the space of *Two Years*. For the assault on Elizabeth Davis, that you be also confined *Two Years*, to commence from the expiration of the former sentence: and that, for the assault on Miss Elizabeth Baughan, you be also confined for *Two Years*, to commence from

the expiration of the former four: that at the end of the *Six Years*, you shall find bail for your good behaviour for *Seven Years*, yourself in the sum of two hundred pounds, and two sureties in one hundred pounds each, and to return in the custody in which you came.

T H E
P R O C E E D I N G S

O N T H E

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

A N D A L S O

The Gaol Delivery for the County of *Middlesex*,

H E L D A T

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 12th of JANUARY, 1791, and the following Days;

Being the SECOND SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. H O D G S O N,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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M DCC XC.

N. B. The Sessions Papers will be comprised in *Two Parts only* for the future, by Order
of the Common Council.

[PRICE ONE SHILLING AND FOUR PENCE,]

THE PROCEEDINGS

UPON THE

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable JOHN BOYDELL, LORD MAYOR of the City of London; the Honourable Sir RICHARD PERRY, and the Honourable Sir ALEXANDER THOMPSON, two of the Barons of his Majesty's Court of Exchequer; Sir JOHN WILLIAM ROSE, Serjeant at Law, Recorder of the said City, and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

London Jury.

John Symonds
George Brilliard
James Parker
Joseph Furnival
Joseph Thompson
John Gabb
John Choppen
Zachariah Hardman
William Thompson
William Colton
John Asprey
Jonas Woodward

First Middlesex Jury.

Lewis Peacock
John Burgess
John Pennington
Daniel Garraway
James Hamerton
Rowland Mimms
Charles Thomas
William Keal
James Richardson
Joshua Dunn
William Barber
Joseph Willis

Second Middlesex Jury.

William Bayley
James Scarlett
James White
William Smith
Joseph Wigg
John Page
Hugh Russell
Samuel Wilson
John Scott
Shirley Foster
John Moss
Edward Bradney

55. **C**HARLES ALLDIN, GEORGE COOKE, and DANIEL BUCKERIDGE were indicted for feloniously assaulting, on the king's highway, Rebecca

Gale, on the 1st of January, and putting her in fear and danger of her life, and feloniously taking from her person, and against her will, a piece of silver coin of this realm, called

called a half crown, another piece, called a shilling, two six-pences, and twelve halfpence, the monies of the said Rebecca Gale.

REBECCA GALE *sworn.*

I live in Cable-street, No. 44: I buy and sell old stockings. On the 1st day of this new year, I was in Rosemary-lane, selling my property, which were old stockings mended: a man came and asked me, the price of a pair of stockings; and he called me on one side; and he would not deal for the stockings; and the prisoner Charles Alldin came between the man and me while we were trying to deal, and put his hand into my front pocket, and took out one half crown piece, one shilling, two six-pences, and sixpennyworth of halfpence; my pocket was tied on the front of my apron; I seized the prisoner Alldin's hand in my pocket, as he was drawing it out of my pocket, and asked him to give me my money, for I knew him very well; I had seen him a great many times before; I called out immediately that I was robbed; I held him fast by the coat some minutes, while he had the money in his hand, and was trying to get from me; I saw part of the money in his hand, though his hand was clasped; he could not cover the whole of it; the other two prisoners, and several others whom I did not know, came to assist; and the other two prisoners both said, if I did not let him go, they would break my b—y arm; and they tore the prisoner from me by main force, and he made his escape; it was between three and four in the afternoon; the man that was dealing with me, brought back the little boy, Alldin; the man is not here; Alldin asked me to search him, and said, he had no money; he was not searched, but taken before a magistrate; in taking him along, the other two prisoners, and many more followed me, and said to him, what did the b—y old bitch say you had robbed her of? and somebody gave me a blow; I had received one before, but cannot tell by whom; the prisoner Alldin said, if I did not let him go, he would cut my arm off; and

they took him from me by main force, and all escaped. I got an officer, one Cooke; and he went with me and two others on Saltpetre-bank, and met Daniel Buckeridge; it was between nine and ten in the evening; it was dark; I told the officer he was one of them; I knew him again, and they took him directly; then we went into a public house close by, and took Cooke standing by the fire-side; I knew him perfectly well; those two men were taken to the magistrate's; then we went to another public house on Saltpetre-bank, full of little boys, and took the prisoner Alldin; he was under the table; they pulled him out; I said, you little rogue, why did you rob me? he said he did no such thing, for I had taken him from a woman's stall, where he was buying a halfpennyworth of sausages, and a farthing's worth of potatoes; and he said that I beat him; and I believe I did strike him once or twice; then he was taken before a magistrate; I am perfectly sure to the three prisoners; Alldin for robbing me, and the other two for affronting me; I have seen them several times before.

Court. Are you sure that the prisoner Alldin had not got his hand out of your pocket, before the other prisoners came up to him; I am; he had not before the other prisoners came up and rescued him.

Had they made use of the expression of threats to you, before he drew his hand out of your pocket?—Yes.

You undertake to swear that?—Yes.

Repeat the expressions?—The two prisoners, Cooke and Buckeridge, said, while his hand was in my pocket, that if I did not let him go, they would break my b—y arm.

And it was after that you saw the money in his hand?—Yes; immediately on their speaking, he took out his hand; and then I had a blow from somebody; and I saw the money in his hand; they left me only one farthing; I carried out the money to buy work, but had laid none out; I did not receive it in the fair; it was not in a purse; I have known Alldin, by sight, ever since Easter Monday, and Cooke almost all the summer:

summer: (*the witnesses examined separately, at the desire of the prisoners*): I did not know any of their names; but I gave a description of their persons and dress at the office; Buckeridge and Alldin had changed coats when they were taken; Cooke was dressed the same as before.

Prisoner Cooke. Who found the money to carry on this prosecution?—I said I was in distress, and the justice sent the men to take them; I have had no money from any body.

JOHN COOKE *sworn.*

I am headborough of St. George's. On the 1st of this month, in the evening, about seven or eight, the prosecutrix informed me of the robbery; she said she knew all the persons very well, and one was a small lad, the other two bigger; I appointed her to come at nine, and go in search of them with us, which she did; and on Saltpetre-bank, we met Buckeridge; she knew him as soon as she saw him; it was very dark; she saw him close to the public house door; he immediately denied having ever seen her; we secured him, and apprehended Cooke at the door of the same public house; he was coming up the bank; they were not together; the prosecutrix knew him immediately; we took him into the public house to her; we found the prisoner Alldin at another public house on the bank, in half an hour after; me and another went into the house, and saw Alldin and some others; he was sitting on the floor by the fire; I brought in the prosecutrix, and Alldin immediately crept under the table; I do not know whether he knew me or not; I did not know him; we took him from under the table; and as soon as she saw his face, she said, that is the little dog that robbed me.

Prisoner. By whose expence is this prosecution carried on?—The woman's.

JOHN RILEY *sworn.*

(*Deposed to the same effect as the last witness.*)

Prisoner Buckeridge. Ask him how long it is since he was taken up for robbing Woolwich church?—I was tried and acquitted in a court of justice.

How long is it since you was taken into custody for robbing a ship of dollars?—I was once before Sir Sampson Wright, on suspicion of robbing a ship; I was acquitted before him.

Court. How long have you belonged to this public office?—About a year and a half.

MICHAEL GAFFNEY *sworn.*

I am a labouring man, in East Smithfield. I went with Cooke and one Peter Mayne—

Prisoner. Please to ask him whether he has not been convicted of felony, and been on board the hulks at Woolwich?—No, Sir.

Was you never on board the hulks?—No, Sir, I never was.

Townsend. I beg your pardon, my lord. Hearing this, I think it my duty to say I was present, when servant to Mr. Akerman, and I put that man to the bar; he was tried, and sentenced to be transported for seven years; I think, if I am correct, he was tried in 1783, and Owen and me were present at his trial and conviction.

Gaffney. I do not deny that; I deny I was on board the hulks; I was on board the ship from this court.

At first I think you said you never was in that situation?—I said I never was on board the hulks, but on board the ship; I forget the name.

Owen. Why you know I delivered you myself?—Yes, you did. I went with the others, and took Cooke at the door of the public house.

Court. Do you belong to the public office?—No; I go on errands, and porter. Mayne asked me to go with him, as it was such a noted place.

JOHN BERNELL *sworn.*

I am an officer belonging to Justice Staples.

pics. I apprehended Cooke and Alldin; the boy was sitting by the fire; and when he saw me come in, he crept under the table; then the other officer fetched in the woman, and I pulled him out from under the table.

PRISONER ALLDIN'S DEFENCE.

The woman said I picked her pocket of three and three-pence; about two hours before, I was eating saufages; I am innocent.

PRISONER COOKE'S DEFENCE.

I was coming home last Saturday week, from my ship, at Chatham; I was paid off; I got into London about seven; and this woman saw me coming down Rosemary-lane; and Birrell and Cooke took hold of me, and asked me if I knew any thing of a little boy with curly hair, that stole some money? I said, I did not; and they said they would keep me till I did tell.

PRISONER BUCKERIDGE'S DEFENCE.

I am innocent of this affair; I wish you would examine strictly into the witnesses; I never saw the woman before with my eyes.

CHARLES ALLDIN (aged 13)	} GUILTY,
GEORGE COOKE (aged 17)	
DAN. BUCKERIDGE (aged 16)	

Death.

*Tried by the first Middlesex Jury before
Mr. Baron THOMPSON.*

56. THOMAS POINTER was indicted for feloniously assaulting George Aylin, on the king's highway, on the 1st of January, and putting him in fear, and feloniously taking from his person, and against his will, one watch, inside and outside case made of silver, value 50s. a copper watch-chain, value 2d. a brass key, value 1d. and two copper seals, value 3d. his property.

NUMB. II. PART I.

(The witnesses examined separate.)

GEORGE AYLIN sworn.

I live in Bishopsgate-street, a journeyman painter to Mr. Patterson. On the 1st of January, I lost my watch; I was going from Whitechapel to Shadwell; I was alone; it was between twelve and one in the day; when I came to the cross path leading to Spice Island; when I came there, I saw a parcel of men standing together; I had a mind to see what they were doing; and I saw the prisoner playing at cups and balls; I never saw him before, to my knowledge; he was laying wagers with the rest of the men that were with him; I saw some money won and lost, while I stood looking on; he asked the rest of the men that were there, if they had no more money, whether they would lay a watch against three guineas? some of the men said, no; there might be seven or eight standing about him; he perceived I had a chain hanging out of my pocket; and he asked me if I had a mind to lay my watch? I had not betted with him before; I said, no, I was but a poor man, and could not afford to lose my watch, so well as he could three guineas; I said to him, no, Sir, I shall not lay you any thing; and he answered *done*, as if I had betted; and he repeated it again, *done*, as if I had laid him; and I said, no, I do not lay any thing; when I said that, I wanted to get from them, and I could not; the rest of them shoved me close to Thomas Pointer, the prisoner; and the more I tried to get away, the more they crowded; Pointer then said to a one-eyed man that stood by, that man has lost his watch; no playing was then going on; and the other man answered to Pointer, yes, and I would have it; I went to secure my watch-chain with my hands; and I could not get my hands down lower than my stomach, by the people crowding me, and holding my two arms behind; I am sure I felt some hands upon my arms behind, but I could not see; the prisoner was not one of those; he was in front of me; immediately the prisoner, Thomas Pointer, snatched the watch.

B

watch

watch out of my pocket; he said nothing to me at the time; he never laid hold of me: after my watch was gone, I could get from them very easy then.

Court. Will you undertake to swear that your arms were confined, when Pointer took your watch from you?—Yes, they were, by some of the company that were betting; then I said to the prisoner, what makes you catch hold of my watch, and I attempted to catch hold of him, and he made a blow at me, but missed me; he ran away along the path leading to Spice-island, I ran after him; he looked back, and saw me following him, and he jumped over a bank into a field; I halloo'd to him, Go which way you will, I will follow you; he ran across the field, and I after him; at the further end of the field there was another bank, and a ditch; he jumped over that, and I after him, till I came to Spice-island gardens, where there were several houses, and then I called out, Stop thief! he ran down the gardens, and at the end of the gardens I lost sight of him; I came down as far as St. George's turnpike, and lost him: I did not see him till the 4th of January, when he was taken before the magistrate: I went and gave information at Mr. Staples's office immediately after my inquiry at the turnpike; I described the prisoner, to one West, as a good-looking man, full-faced, a blue jacket, light hair, and had lost some teeth in front; I saw him the morning after he was taken, and knew him immediately; I am positive now that the prisoner is the man; I stood near him for ten minutes; I never betted my watch to the prisoner, or any of the by-standers, and money I had none; I staid from curiosity; I saw nobody at play but the prisoner; I never saw my watch since; it was a silver watch, a copper chain, and two copper seals; I have never seen any of the persons that were about the table since; I saw the watch in his hand, and I saw him put it into his pocket, as I followed him.

Prisoner. Did not you put down your watch against three guineas in another man's hand?—No, I did not; I never offered to play.

Did not you get your watch again?—No.

Did you offer to lay half-a-crown?—No, I never offered to lay any thing; I had no money.

JOSEPH WEST *sworn.*

I apprehended the prisoner: the prosecutor came to the office about one; I was there; he gave information that he had been robbed of his watch, in the New Road, by a person playing at cups and balls; he said he was a well-set man, in a blue jacket, short light hair, a full face, and talked hoarse; he gave no other description than that; I knew the prisoner before; we could not find him till the 4th; then we found him at the Rose and Crown, in Church-lane; he was dressed as he is now, not in the dress the prosecutor described him; I found nothing upon him.

COOKE *sworn.*

I apprehended the prisoner, at the Rose and Crown, in Church-lane; Joseph West, Pirnell, and Riley, were with me.

PRISONER'S DEFENCE.

I was coming along this New Road, and I saw a boy playing with these cups and balls, and he lost many shillings, and I laid him 12s. that the ball was not under the middle cup, and I put my money in another man's hands, and he put 12s. to it; I took up the cup, and the ball was under the cup; then I yielded my wager lost: then I saw him do it two or three times after, and I said let me try if I can do it; I tried three or four times, and lost three or four shillings, before I could do it; then I thought I had the ball under the middle cup, and I offered to lay any man three guineas to one; and the prosecutor said, I have not a guinea, I will lay you half-a-crown; and I said, no, I will lay you three guineas against any man's watch; and the prosecutor said, I will lay you; he immediately took out his watch, and put it at top of the table, or tub, whatever it was; I said, my friend, you had better put it in some-

somebody's hands, whether won or lost; and he immediately took it up, and put it into another man's hand; and I put my three guineas in the man's hand first; says I, have no mistake; if the ball is under the middle cup, I win, mind; and he answered, yes; and I said, you take up the cup, which he did, and the ball was under the cup; I said, I have won the wager; and as the man was delivering the money and watch to me, the prosecutor ran up and hit me, among the crowd; says he, you shall not have my watch, for you have swindled me out of it; and the man going to give me the watch and money, I was knocked down, and lost one of my guineas, and never had the watch: this prosecutor challenged another man, a sailor, down this road, and the sailor jumped over a ditch, and went across the meadow, and he turned back again, and I met him; he never spoke to me then; I had stopped behind to inquire about my guinea.

JOSEPH MARTIN *sworn.*

I live at Mr. Carpenter's, in Church-lane, Whitechapel; he is a grocer, and keeps a coal-shed; I was going of an errand, for my master, to the Three Mackerel, at Bow (*The prosecutor was ordered into court, and the other witness of the prisoner ordered out of court*); I know the prosecutor; I saw a great number of people, all round in a ring, in the New Road, and I went, like another, to see what was the matter; and there I saw a man, that was the prisoner, playing with some tin things, and a ball under it; and the prisoner offered to lay a guinea that the ball was under, and there was nobody there that would lay him a guinea; then he offered to lay three guineas against any body's watch; the prosecutor was standing there, and he offered to lay him half-a-crown, and the prisoner would not lay him half-a-crown; the prosecutor then took his watch out of his pocket, and reached over, and put it into another man's hand, with three guineas which the prisoner put to the watch; I do not know whose hands they were, the men

were all strangers to me; the prisoner was a stranger to me then; the prosecutor lifted up the cup, and the ball was under, and the prosecutor found he had lost his watch then, and they began to make a piece of work, fighting and quarrelling, all the people together; he shoved some one way, and some ran another way; then I went about my master's business; I heard the prisoner calling out, give me my money, but I do not know what became of the watch; I saw no more of it; I was going to carry half-a-pound of tea to the Three Mackerel, at Bow; across the fields was my nearest way.

How soon did you see the prisoner again after this accidental meeting?—The next day.

Where?—Going along Church-lane, as I was in my master's shop; we did not speak; I never saw him after that till yesterday: when I went home, I was telling my master the Monday after, and my master knew the prisoner by using his shop and being a neighbour, and he said to me, as you saw this, you had better go; I told my master what a piece of work there was, and fighting, and how they got a man's watch; I knew of this, because the prisoner was taken up in our lane; my master persuaded me to come here, the prisoner did not send for me.

You have had no conversation at all with the prisoner?—No; I saw him in gaol this morning, and just spoke to him; I was here last night, and did not see him; but the prisoner knew I was here, because my master sent word to the prisoner that I was come to speak what I knew.

Not one of this company was you at all acquainted with?—Not one, to my knowledge; I suppose there might be twenty or thirty round; my master knows the prisoner by using his shop, but I did not know him; I only came from on board ship last Christmas holidays; before that I lived at Stratford, at one Mr. Balcher's; I had been seven months on board ship: I had not betted at all myself; the prosecutor was there about a quarter of an hour before he offered

offered to lay: I went in this morning to see if I knew the prisoner, and finding I did, I came out again.

Court to Haylin. Be very careful, and consider the situation of the prisoner and yourself; look at Joseph Martin, do you know him?—I do not know that I ever saw him before.

Therefore you cannot say whether he was or was not one of the party?—I cannot.

Did you ever offer to lay the prisoner half-a-crown, or any sum of money?—I did not, for I had not 6d. about me.

Did you ever deposit your watch in any other man's hand?—I am positive I never did, my watch was never out of my pocket at that time; it was taken out.

Had you been at work that day?—No; I am out of work.

Had you been drinking?—I might have a pennyworth of beer, but no more: it was offered to me to bet my watch, and I refused it.

Are you very sure that the man you pursued was the prisoner?—I am very sure of it, and no other.

Court to Martin. Are you still positive as to his depositing the watch with another man?—Yes, and he wrapped up the chain round it.

Prisoner. This prosecutor had two more men taken up before?—I did not know any thing of it, I saw none.

ROBERT DAWSON *sworn.*

I attend the publick office in East-Smithfield: on Saturday, the 1st of this month, I was coming from Whitechapel to East-Smithfield, and two others with me, who are not here (I did not come on this business); there were a number of people collected in the New Road, near the fields going from Shadwell to Stepney; I came up and asked what was the matter, and they said a man had been robbed of his watch; and I saw a number of people running across the fields, and amongst the rest was the prosecutor; when I came to the bottom of the road, I saw two other per-

sons running before the prosecutor; the prosecutor and me came then close together, and I asked him who were the persons that had got his watch; he pointed to two men in drab great-coats, and said they had his watch at the first, but had given it to another man, whom he shewed me, dressed in a blue jacket; I immediately pursued the two men in the great-coats, and the prosecutor followed me; and about 200 yards from the spot where I spoke to the prosecutor, those two men he pointed to were stopped, and taken to the publick office in East-Smithfield; and, as soon as I saw them safe, I came up again to the place where we parted, to look for the third man, in the blue jacket; I could not find him, and returned to the office, expecting to see the prosecutor there; I waited all day, expected him to appear, as he knew of it, and at night I took them before the magistrate, Mr. Justice Smith, and charged them on suspicion of committing this felony; the magistrate committed them for further examination: on the 5th, the prosecutor, during all that time, had never appeared, and they were discharged that night; and in half an hour after I heard this prisoner was in custody: when I returned to the prosecutor, he had lost the man in the blue jacket; but when I asked him before, he pointed to the two men in the drab coats, and the man in the blue jacket.

Court to Haylin. Do you remember seeing Mr. Dawson when you was in pursuit?—Not to my knowledge I did not; I did not think of the men in drab coats.

Did you ever point out the two men in drab coats?—No, I pointed to the man in the blue jacket.

Did you ever say to Mr. Dawson, or any body else, that the two men in the drab coats had first got the watch, and then gave it to the man in the blue jacket?—No, I did not.

Did you see the two men in the drab coats?—Yes, I saw several run; but the whole of my pursuit was after the man in the blue jacket; I had no notice of the apprehension of the other two.

You

You do not remember speaking to Dawson?—No, I do not; he might speak to me; several did.

Dawson. Ask him if he did not describe one of the men in the drab great-coats to have lost an eye?—Yes, I did; but not to this gentleman, to my knowledge.

What did you say about him?—I described the man in the drab coat, and that he had lost his left eye, who ran away at the same time that the other ran with the blue jacket, but I gave no information against any man in a drab coat, only that he ran away at the same time.

THOMAS THOMAS *sworn.*

I live at the Guy, Earl of Warwick, in Gray's-inn-lane; I have known the prisoner about 12 months; he has been a porter, as far as ever I knew.

What is his business?—He was a porter.

What sort of a porter?—I do not know; he was a porter to a house in Middle-row, No. 9; he always used my house.

What business is it?—I do not know what business it is, the house is shut up now.

Jury. The corner of the court?—Yes.

Jury. It is a lottery-office?—When it was opened, it was a leather-dresser's, but the prisoner was porter there since.

Then what business was carried on since?—I cannot tell; it might be a lottery-office: he was a very honest man; he always behaved so in my sight, at my house.

The prisoner called two more witnesses to his character.

GUILTY, Death.

Tried by the second Middlesex Jury before Mr. Baron THOMESON.

57. ANN KING was indicted for feloniously stealing, on the 22d of December last, ten yards of printed callico, value 20s. the property of Thomas Ashby, privily in his shop.

(The witnesses examined separate.)

NUMB. II. PART I.

THOMAS ASHBY *sworn.*

I am a linen-draper, in Holborn; I only prove the property; I have no partners.

CHRISTOPHER RADLEY *sworn.*

I am shopman to Mr. Ashby, in Holborn; the prisoner, in company with another woman, came into our shop the 22d of December, about two at noon; the other woman asked to look at some printed callicoes; I shewed them several pieces; the other woman said she would not buy then, she would call another day, and they both went out of the shop; I did not know either of the women before, nor had seen them; they were in the shop about ten minutes; we have three shopmen; my master was in the shop, and several customers, but I cannot say which of the shopmen were in the shop at the time; I saw the piece of callico in question laying on the counter when these two women came into the shop; they both sat close to the counter; I did not miss the callico, nor see it taken.

Mr. Knapp, Prisoner's Counsel. Did you see the women come into the shop, or either of them?—I saw both come in, and both went to the counter.

Did one stay behind, towards the door, while the other came up to the counter?—The prisoner stood rather behind, at a little distance.

How far?—I cannot exactly say.

Guess a little.—About a yard.

The other woman was the only person that asked about any cotton at all?—Yes.

Court. Then this woman did not stand close to the counter?—Yes, they were both close to the counter, but one lower than the other.

EDWARD M'DOUALL *sworn.*

I am an assistant linen-draper, and nephew to Mrs. M'Douall, in Bond-street; I was walking past the prosecutor's shop, on Wednesday the 22d of December, about two; I saw the prisoner, Ann King, with two other women, looking at Mr. Ashby's shop, and I knowing Ann King (I saw her and another woman go in), I watched her; the other

other woman walked backwards and forwards at the door ; King and another went in ; I stood opposite the door for about a quarter of an hour, and saw King and the other woman come out, and walk across Holborn very fast ; I followed ; King went up Ely-place ; they walked faster, seeing me ; and when I came near, seemed much agitated ; I went through to Flattogarden, and came up to them ; I suspected her, and said to Ann King, you have something that does not belong to you ? no, says she, I have not ; I said, yes, you have, for here it is in your muff ; she then held her muff in her right hand ; she said, it was not her that took it, it was the other woman ; I said, you shall go back with me to Mr. Ashby ; she objected very much, but I took her back : the other woman ran away.

Court. Could you observe whether they took any thing ?—No, Sir, I could not, though I was watching them ; I did not see them take any thing ; it was merely my suspicions of the woman.

Had you no conversation with any woman, about that time, in Holborn ?—Not the least.

Then of course you could not have any conversation with the other woman that you described to be with the prisoner ?—No, Sir, certainly not.

Recollect ?—I do, Sir.

So, seeing the prisoner, whom you thought to be an improper woman, you let her go in the shop ?—I did so.

Do you recollect speaking to any woman, and saying, that if there were twenty in company, you would take her, and have forty pounds on each person that you took ?—I have no recollection of that, in the least.

Did you say that ?—No, Sir, I do not remember it ; I did not.

Do you remember saying any thing to that effect ?—No, Sir.

Did you talk about a pretty woman in the Stormont gown ?—No, not in the least.

You did not say before the magistrate, any thing I have stated to you ?—No, Sir, not in the least.

You are sure you did not ?—I am positive of it, Sir.

How many people were present when this woman was examined at the magistrate's ?—There were a number of people ?—I saw the prisoner have a muff when she came out.

So that if you had happened to say any thing of that sort, they must have heard it ?—They must.

Prosecutor. The prisoner was brought back to me by Mr. M'Douall ; upon her I found this piece of print ; it is my property, value upwards of twenty shillings ; I have no doubt of it ; I saw it that morning ; I gave it to my son, William Ashby.

M'Douall. This is the print that was taken from the prisoner.

Mr. Knapp to Mr. Ashby. There were several customers and people in your shop ?—There were.

Perhaps you might have some more of the same quantity and pattern as this ?—Yes, of the same pattern, but not of the same quantity.

Do you mean to swear to this by the pattern ?—No, Sir ; by my own private mark with a red pencil, towards the middle.

You may have the same mark to other goods ?—Probably we might.

The other shopmen are not here ?—No ; they could not see what passed ; I believe one of them was in the back shop with me, and the other in the middle shop : my shop is eighty-one feet in length.

CHARLES ALLEN *sworn.*

I am a constable. I produce this linen ; it has been in my custody ever since.

Prisoner. Ask the young man if he did not search the other woman, and tell her to run away ; speak the truth ; young man, if I die for it ; and you said you would hang me ?—I did not advise her to run away.

Did not you put your hands up her petticoats, and ask her where the pretty woman was that took the muslin ?—I did not attempt to search her in any way, nor never made use of any such language.

Did

Did not you ask me where the pretty woman lived, in the Stormont gown?—I did not.

You will be on your death-bed, as well as myself, one day or another.

Court. Did you ask after any woman whatever?—No, Sir, I do not.

Prisoner. You said you would have my life, as sure as I was there, you did, you false man, and said you would run me through with a sword.

PRISONER'S DEFENCE.

I do not know what to say, I am sure; I know no more it, than the woman flinging the muff on my arm: he searched the woman all down her, and told her to run away.

GUILTY, Death.

She was humbly recommended to mercy by the prosecutor and the jury.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

58. STEPHEN REYNOLDS was indicted for stealing, on the 16th of December, five cotton shawls, value 15s. the property of John Webb, privily in his shop.

JOHN WEBB sworn.

I live at Twickenham, and deal in linen-drapery. On the 15th of November, I lost five cotton shawls out of the window in my shop, about eleven in the morning; I was not at home; my mother and wife were up stairs; I never saw the prisoner till he was in custody; my mother, who was left in care of the shop, is not here: I went after the prisoner with the constable.

ALBION COOPER sworn.

I am the constable. I went with the prosecutor to the prisoner's mother's; she denied him; I looked about, and saw a piece of one shawl hang out from the bed-clothes; I found five shawls there; I made him no promise or threat; he said, get me

off to be whipped, I have something else; he instantly went to the bed, or bed-tick, and took out a glove containing fourteen and six-pence in silver; then I took him before a magistrate; the shawls have been in my possession ever since.

(Deposed to by the prosecutor, marked B=.)

Prisoner. I have nothing to say, and no witnesses.

GUILTY of stealing, but not privately.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. Baron PERRY.*

59. LAWRENCE HUMPHRIES and ABRAHAM SOLOMONS were indicted for feloniously assaulting Elizabeth James on the king's highway, on the 4th of January, and putting her in fear and danger of her life, and feloniously taking from her person, and against her will, one linen cloth, value 3d. and three linen shirts, value 12s. the property of William Greville.

(The witnesses examined separate.)

ELIZABETH JAMES sworn.

I live servant with Mary Greville, No. 4, King's-head-court, Shoreditch; her husband's name is William. On the 4th of January, instant, between eight and nine in the evening, I was going down Shoreditch, to carry some linen home, three shirts, from Mrs. Greville; she takes in washing; the shirts were wrapped up in a coarse-cloth; I was going to take them to Broad-street; when I came to the bottom of King's-head-court, I saw three men standing at the corner; and I went a little farther, to the next turning, and a young man came and snatched them out of my hand; he ran before me, and I saw the bundle in his hand; he came behind me, and snatched it; he was one of the three men

men I had seen standing at the end of the court; he ran up the turning; I was about twenty yards from the end of the court; he ran before me, and ran up the turning; he had on a dark green coat, and a round hat, and his hair about his ears, and dark stockings; I hallooed out, murder! I went a little farther up the turning, and fell down, and got up, and cried stop thief! several times; when I got to the top, there was nobody nigh me; and then the people came out of the public house, and I went back and told my mistress; I lost sight of the prisoner then; I saw him at the justice's two days after; I saw three men before the justice, and to the best of my knowledge one was the same man, but I was not sure; that was not either of the prisoners; the prisoners are the other two men that stood at the end of the court; I knew them before; I did not know the other man before; I had known the two prisoners a long while; Solomons lived next door but one to my mistress, about a twelvemonth ago; I had often seen Humphries with Solomons, but I did not know his name then; when I went back, neither of the prisoners were at the end of the court; that was about half an hour; it was dark; I have seen the two prisoners together three or four times, walking up and down Shoreditch: I have lived five months with Mrs. Greville; and before that I lived with my mother at Mrs. Greville's, when Solomons lodged next door but one; when I went home, I said I had been robbed by Solomons, and the other, whose name I did not know, and by another man that snatched the bundle.

MARY GREVILLE *sworn.*

I am wife of William Greville; I take in washing; the last witness is my servant. On Tuesday night, the 4th of January, I sent her to Broad-street with three shirts wrapped up; it was between eight and nine; she was absent about a quarter of an hour; when she returned, she seemed very much frightened, and said she had been robbed of the linen; she said there were

three boys standing at the end of the court, and one of them she was certain was the Jew boy, Solomons; he had been a neighbour of ours a great while before; she said, the one who took the bundle from her, was a boy in a dark green coat; I do not remember whether she said she knew the other; I saw two of the shirts without the wrapper, at Mr. Staples's, in the possession of Mr. Cooke, the officer; I know them again.

JOHN COOKE *sworn.*

I am an officer belonging to Justice Staples. On the 4th of this month, about ten in the evening, I was going up Church-lane; I saw a lad named William Archer, who is admitted an evidence, standing at the end of a court in Church-lane; I thought it suspicious; I never saw him before to my knowledge; and from his information, I left John Ryley in charge of him, and went up the court, and listened at a back door of a suspicious person that I knew, and I heard some people talking; the door was shut; I tried to open it; in a few minutes I saw the two prisoners come out of the court; one of them had something in his bosom; they came out together; I asked him what he had there? he said, two old shirts, he was going to sell to purchase him a lodging; I said, if you prove it so in the morning, you shall have them; but I suppose you have stolen them; and I took them out of his bosom; I then took him and Archer into custody, and sought after Solomons, who had made off; I knew him perfectly well by sight; I saw him soon after, and called him; I searched him, and found nothing on him; I asked him what he did at that house in the court? he said, to pledge a handkerchief for sixpence; I let him go: I did not take him again; he was taken by Pinnell and West; I kept the shirts ever since: Archer and Humphries said Solomons was innocent; they said he was not in it.

JOHN PINNELL *sworn.*

I apprehended Solomons coming to the Lock-

Lock-up-room, speaking to the other prisoners.

JOHN RILEY *sworn*.

I am a constable. I was with Cook about ten on the 4th of this month; I saw Archer standing at the corner of an alley; Cook asked him what he did there? he said he was waiting for somebody that was gone in there; and Cook gave me charge of him, and went into the alley and brought Humphries out with him; we secured them in the watch-house that night; I saw Solomons, that night. Some time after, running along Cable-street; me and Cook took him in custody, searched him, found nothing, and let him go; he said he had been to sell or pawn something for six-pence, to buy a supper.

WILLIAM ARCHER *sworn*.

Court. Remember the situation in which you stand, and take care you say nothing but the truth, in every respect?—I know the two prisoners; but that was the first night I had had any conversation with them for two years; that was the 4th of January; one of them I knew very well; I met them together by chance, the corner of Hog-lane, facing Magpie-alley; it was about seven o'clock; they both asked me whether I would go out with them a thieving?

Court. Was that the first thing that passed between you?—Yes.

Was not you surprised at such a question?—We had a few words; but I never was out with them before, nor any body else; but their persuading me, I consented; and as we were standing at the end of Bold-court, the corner of Hog-lane, this girl came past about nine; we were there about seven; and Humphries said, there is a girl gone by with a bundle, let us go and snatch it from her; and we followed her till she got very nigh Plover-yard; then we crossed the way, and met her; and I came round her, and snatched the bundle from her, and we all ran away to the corner of Magpie-alley; and Humphries took the bundle from me, into his apron; and we all went into Wheeler-street, where we examined

the bundle, and found it consisted of three shirts; and we offered them to a woman for sale at a house on the left-hand side, that Humphries knew; and the woman offered us four and six-pence for them, and we would not take it; then we all went into Bishopsgate-street; there I went in and pawned one of the shirts for half-a-crown; and they two stood at the door; and Humphries and all of us went into Back-lane, a place where they live; and Humphries and Solomons went into a house with the shirts; they went up a court, and I stood at the end; I do not know the name of it; and Cook and another gentleman came by and took me; and I said I was waiting for somebody; and Cook went and took Humphries into custody; and Solomons ran away.

Prisoner Solomons. When Mr. Cook took me at night, did not you say I was innocent?—At first I did, because you told me to say so; but I owned the whole afterwards; I said, at first, Solomons was not with us, because he told me he had robbed the same woman before; that was directly after we had robbed the girl, as we were walking along; and if he should be taken, therefore for me to say he was innocent; and I not knowing what to say, I said so.

Did not his father give the officers four guineas to get him made an evidence?—No.

Did the officers say, if you did not swear against me, you would be hanged yourself?—No.

Did the other prisoner know me before?—Yes; they both lived in one house; the two prisoners were ten yards behind me, when I took the bundle.

Prisoner Humphries to prosecutrix. Did you see me, or was I nigh you, when the bundle was taken from you?—No, I did not; I saw him at the end of the court, with the other two.

Fury. Do you know that boy in the green coat?—No, Sir, I never saw him before that night.

Do you know him now?—I do not know his face; I never saw his face; I
D know

know his back; he is the person that took the bundle from me, to the best of my knowledge; it was about his size and figure.

(The shirts produced and deposited to.)

PRISONER SOLOMON'S DEFENCE.

I was coming down stairs to get something for my supper; and coming along, Humphries asked me if I knew of ever a pawnbroker's near? and I told him, and went with him to the pawnbroker's, where he asked five shillings for the shirts, and they offered him three shillings; I was going to pawn a handkerchief for six-pence; and coming out, I went up stairs, and was going to bed; and I came down stairs to fetch a pint of beer, and Mr. Riley and Mr. Cook took hold of me; and they asked me if I knew any thing about any shirts? and I told them I saw a lad ask five shillings for two shirts; and he was offered three shillings; and then they let me go; and I went home and went to bed; and then Mr. Pirnell took me in the morning; and Humphreys and Archer said they knew nothing of me, and I had not been with them.

PRISONER HUMPHRIES'S DEFENCE.

I was talking to my sister; and William Archer called me three times before I made any answer; and he bought a halfpenny-worth of apples at Magpie-alley; and he gave the girl that sold the fruit, his bundle; and he came up to me, and said, I have some shirts of my father's, I will be obliged to you to pawn them for me; I took them from him, and was going to pawn them for him, knowing him; and I met Solomons, and asked him for a pawn-broker's? and he said, here is one here; I am going in; and I went in with him, and asked five shillings, and they would not lend it me; and I was coming to bring them out to William Archer, and Mr. Cook and Riley laid hold of me; they said, what have you here? I said, two shirts belonging to Wil-

liam Archer; and they took them away from me, and put me in the lock-up-room all that night; and William Archer sent for his father, and he gave Riley three or four guineas to swear in his son as an evidence; and the girl is here.

ELIZABETH HUMPHRIES *sworn.*

I am no relation to the prisoner: I live in King's-head-court, Shoreditch, with my mother; she sells fruit, and has done so thirty-four years. On Tuesday night was a week, William Archer came across the street of Shoreditch, and had a halfpenny-worth of apples; I was minding the stall; and he asked me to let him leave a bundle with me, which he had in his hand, till he called again; and he went across the way again, after he left the bundle with me; and he brought the prisoner Lawrence Humphries across the way with him, and asked him to pawn a few things for him; and Archer said to me, give this Lawrence the bundle I left with you, which I did, and they both went away together; this was about half after eight at night, as near as I can tell; I never spoke two words to either of the lads in my life; I knew them no farther than buying fruit of me, and going away again; Archer said the bundle belonged to himself.

Jury. What sort of bundle was this?—It was pinned over in a brownish coarse-cloth.

Court to Archer. Did you see that girl there?—I have seen her going backwards and forwards to my work, but never laid out a halfpenny with her in my life.

Did you deliver any bundle to her?—I never did; for as soon as the bundle was snatched, we all ran up Plow-yard, to Magpie-alley; and then Humphries took the bundle, and we all went to Wheeler-street, to a place he said he knew.

You never saw the girl that night?—No, my lord, I did not; I tell you nothing but the truth.

ALICE HUMPHRIES *sworn.*

I am the prisoner's sister. I live in Shoreditch:

Shoreditch; I am a single woman; I keep two rooms in the house of Mrs. Weighty, a widow, No. 3; I take in washing, and make sailors shirts and jackets; when my brother is out of work, he lives with me; and when he is in work, he lodges at one Mrs. Bryant's, in Bold-court; he is a brick-maker; he always keeps very good hours when he is at home with me.

ISAAC SOLOMONS *sworn.*

I am the unhappy father of this unfortunate young man; I live in Garden-court, Whitechapel; my chief employment is grafting silk stockings for gentlemen; my son lives with me, but of late I cannot speak to his guilt or innocence; my wife died in child-bed, with seven children; he was employed all last summer by me; he always behaved very peaceably and quiet; I would rather give my voice for sending him abroad; he may make a bright man yet.

LAWRENCE HUMPHRIES, }
ABRAHAM SOLOMONS, } **GUILTY**
of stealing, but not violently.

*Tried by the second Middlesex Jury before
Mr. Baron THOMPSON.*

60. WILLIAM LEACH was indicted for stealing, on the 11th of January, one quart pewter pot, value 6d. two pint pots, value 6d. and one half-pint ditto, value 6d. the property of William Anchors.

WILLIAM ANCHORS *sworn.*

I keep the Red-lion, Old Bethlehem; the prisoner came to my house on Tuesday last; he called for a pint of porter, between seven and eight o'clock; he sat there near an hour; one of my servants informed me he had a pot in his pocket; I went to him, and I saw the pot under his coat, under his arm; I then took it from him, and set it on the table; after that, I took him by the collar, and shook him, and heard something rattle in his apron, which I opened,

and took out a quart pot, a pint pot, and an half-pint pot; then I searched his pockets, and felt two pots in his pocket, but did not take them out; I sent for Grimes, the officer, who searched him, and took a pint and half-pint out of his coat pocket, that was not my property; he had of mine one quart, two pints, and one half-pint, taken out of his apron and from under his arm; one pint is marked with my name, and the others with Maria Swell, who kept the house before I came.

THOMAS GRIMES *sworn.*

I am an officer; I was sent for on Tuesday evening; I searched the prisoner, but found nothing belonging to the prosecutor.

(Produces four pewter pots belonging to the prosecutor, who deposed to them.)

PRISONER'S DEFENCE.

I have a wife and five children, and my wife lays in now; I did it entirely through want.

GUILTY.

*Tried by the London Jury before
Mr. Baron THOMPSON.*

61. GEORGE POLLARD was indicted for stealing, on the 22d of December last, 3 lb. 11 oz. weight of leather, called but leather, 4 lb. 8 oz. of other leather, called crop leather, value 6s. 6d. the property of Daniel Baldwin.

The case opened by Mr. Garrow.

DANIEL BALDWIN *sworn.*

I am a leather-cutter, in Long-lane; the prisoner worked with me about six years; on the 22d of December I sent him in the cellar, to sort and remove leather; I went to an opposite house; about three, soon after, the prisoner came out, and I ran out and pursued him to a passage leading into Cloth-fair; I charged him with being a thief, in the presence of Mr. Howe, and he produced these pieces of leather, cut out of two ranges called slips, cut into
16 pieces,

16 pieces, which were given to the officer; he was not to cut any at that time; he begged for mercy; this piece he left behind him in the cellar.

RICHARD RICHARDS *sworn.*

I am a constable; on the 22d of December this leather was delivered to me by Mr. Baldwin.

(Produced and deposed to by Mr. Baldwin.)

I have compared them with the ranges, and they exactly fit; some of them are but leather, and some crop leather.

Mr. Knowlys, Prisoner's Counsel. Had you any other leather in your cellar?—A large quantity: I had always a good opinion of him; I thought him very honest, but very weak.

GUILTY.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

62. **MARY INGLES** was indicted for stealing, on the 14th of December last, a fox-skin muff, value 20s. the property of George Dipple, privily in his shop.

GEORGE DIPPLE *sworn.*

I am a furrier, in Bridges-street, Covent-garden; I was not at home when the property was stolen, I only speak to it; it is my own property: I was called down stairs the 14th of December, about eleven in the morning, by my daughter, Ann Dipple, and I saw the prisoner in my parlour; John Gent and my daughter were with her, and my muff was in the parlour; I asked the prisoner how she could be so wicked to rob any body; she attempted to make her cause very good, and was rather faucy; she said she did not come to rob, she only took up the muff to shew to a young woman that waited in the street, and she seemed to be very much offended at being so accused; then I sent for an officer; I know the muff by the damaged places; I often observed it;

I swear to it; I saw it the day before, and every day.

ANN DIPPLE *sworn.*

I am going of 13; I know the nature of an oath; I came here to speak the truth.

What will become of you, if you should tell lies?—I shall go to a bad place: I am my father's daughter; his name is George Dipple, No. 5, Bridges-street, Covent-garden; he is a furrier; my mother generally serves in the shop; I am sometimes employed in the shop: I know the prisoner; she came into our shop to sell two hare-skins, the 14th of last December; I never saw her before; my mother and two more ladies were in the shop; I looked at the hare-skins, and my mother bid me not buy them; we sometimes buy such: I went into the parlour directly, and I saw the woman was going down a step of the shop, and I saw the muff under her arm; I opened the door, and went after her; I told her to come back, and she gave me the muff; she said, take it, I was only going to shew it to a young woman; no young woman was near; I took the muff, and called down my father; I laid hold of the woman, and she came back with me.

Court. Did not you say, before the magistrate, that you saw the woman take the muff?—No, I did not.

Was what you swore at Bow-street true?—Yes; the examination was read to me, and it was perfectly true.

(The examination read.)

"The said Ann Dipple for herself says,
"That this morning, between ten and eleven, the person now present came into
"her father's shop, and offered a rabbit-skin for sale, which was refused; and, as
"she turned round to go out of the shop,
"she saw her take the muff in question."

Jury. You should have been very much collected, considering what you have said before; we saw your situation, and pitied you very much; you have undertaken that which you was not equal to.

Court. How came you to say, before the magistrate,

magistrate, you saw her take this; or rather how came you to give a different account now to what you did then? Now recollect yourself, whether you did not see her take this muff from the counter?—No, Sir; I did not.

Do you recollect saying so before the magistrate?—Yes.

Did she come freely back?—Yes, I told her to come back; and she said, very well, I will come back.

JOHN GENT *sworn.*

I live at No. 3, in Bridges-street; a hatter: I was standing at the door, between ten and eleven, the 14th of December; I saw Miss Dipple following the prisoner about two yards from the door; I had not observed the prisoner before; I saw her stop the woman, and the woman gave her the muff; she was about two yards from me: Miss Dipple said, Mr. Gent, this woman has stole a muff; I heard her say to the prisoner, you have stolen a muff from my father; and I conveyed the woman back to Mr. Dipple's back parlour, with the muff; the young woman had not laid hold of her; when she came back, I asked her if it was not a sin, at her time of life, to be guilty of such a thing, and the prisoner seemed to be very sorry, I thought, but answered nothing; when I came into the back parlour, she said she was a widow woman, and lived in Gray's-inn-lane; this was before the father was called down; the muff was laid in the parlour; she was taken to Bow-street.

Jury. Did the prisoner appear to make any resistance that made it particularly necessary for you to take her to the shop?—Yes, at the shop-door she did; she struggled a little at the street-door.

Was Miss Dipple with you all the time?—Yes, and went into the back parlour.

Did you see any woman in the street waiting for the prisoner?—No, I did not.

(The muff deposed to.)

Prosecutor. I did not see this muff in the shop that day; it might have been sold;
NUMB. II. PART I.

but I know it particularly by the damaged place; it cost me 22s.

PRISONER'S DEFENCE.

I went into the shop to sell some skins; they did not seem to like to buy them, and I was coming out; the girl pulled me back, and called me a thief; and the horror of being called a thief at these years struck me dumb, and they pulled me to the back parlour; I had done no harm; he said I was an old offender; I never wronged man or woman.

The prisoner called two witnesses to her character.

GUILTY of stealing, but not privately.

Tried by the first Middlesex Jury before Mr. Baron THOMPSON.

63. NEAL M^rMULLEN was indicted for feloniously stealing, on the 13th of November last, four linen table-cloths, value 4l. and twelve linen napkins, value 40s. the property of Henry Penton, Esq; in his dwelling-house.

A second Count. For stealing, on the 3d of December, four other linen table-cloths, value 4l. two other linen table-cloths, value 50s. twenty-four other table napkins, value 42s. two table-cloths, value 2l. twelve other linen napkins, value 30s. two pair of sheets, value 50s. one other table-cloth, value 30s. twelve other napkins, value 30s. one pair of other linen sheets, value 3l. twenty-seven towels, value 30s. two pair of other sheets, value 40s. five other linen table-cloths, value 15s. one towel, value 1s. another table-cloth, value 40s. twenty-four towels, value 24s. twenty other napkins, value 40s. one other towel, value 1s. four table-cloths, value 40s. twelve other napkins, value 12s. one other pair of linen sheets, value 10s. another pair ditto, value 10s. another table-cloth, value 10s. twelve other napkins, value 20s. two other pair of sheets, value 40s. five linen table-cloths, value 5l. twelve other linen napkins, value

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12s.

12s. one cloth, value 1s. another table-cloth, value 20s. one other pair of sheets, value 20s. one other linen cloth, value 1s. three other linen table-cloths, value 3l. four other ditto, value 4l. seven other ditto, value 40s. four other ditto, value 40s. thirty-six other towels, value 36s. and four other napkins, value 8s. the property of the said Henry Penton, Esq; in his dwelling-house.

(The case opened by Mr. Garrow.)

HENRY PENTON, Esq; *sworn.*

My town-house is in Piccadilly; I went to the country on or about the 9th of June; I left no other person in town but a female servant of the name of Swan; I returned to town the 8th of December; on the 10th I found my linen was gone; I was laid up with the gout, and sent information to Mr. Bond; he came to me, and hand-bills were circulated, and a great portion of my linen was produced from various pawnbrokers.

JANE BRADLEY *sworn.*

I was housekeeper to Mr. Penton; in June last I locked up the linen safely; at that time there was a large quantity of table-cloths and towels; I came to town about two months before the family.

WILLIAM ALDUS *sworn.*

I am a servant to Mr. Salkeld; I produce four table-cloths, and twelve napkins, which I received from the prisoner; I am confident to him; I lent three guineas, on the 13th of November; I immediately carried them to Bow-street, on seeing the hand-bill; I suppose they are worth 4l.

(Deposed to.)

HENRY TURNER *sworn.*

I am a pawnbroker, in Panton-street; I produce two table-cloths and 14 napkins; I am quite sure of the prisoner; the 1st of December I lent one guinea and an half; they are worth about three guineas.

(These things deposed to by Mrs. Bradley, except one towel.)

FRANCIS MURRAY *sworn.*

I am an officer belonging to Hyde-street; I was present when the prisoner was apprehended; he said they were all Mr. Penton's property; no promise or threat was made; he said he took them out of the closets in parcels; I found some towels and table-cloths, and china, in a trunk, at his lodgings, which he owned; I found the key on a person of the name of Hay; he told me where he lodged, at No. 8, Adam and Eve court, Oxford-street; Hay lived at No. 2; the prisoner said that all the articles in the box belonged to Mr. Penton.

(Deposed to by Mrs. Bradley.)

These are home-spun towels, which I recollect; the mark is picked out: this table-cloth is the same as the kitchen linen; the mark is picked out.

Prisoner. I have nothing to say, but leave it to the mercy of the Court, and the gentlemen of the jury.

The prisoner called ten witnesses to his character.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

Mr. Penton. My Lord, after having prosecuted this unfortunate man, your Lordship may perhaps think it singular that I wish to recommend him to his Majesty's mercy; I am induced to do this from circumstances that I own weigh with me, and I have no doubt will weigh with your Lordship; the candour with which the prisoner has behaved ever since he was apprehended, and the manner in which he has stood forth to do all he could to restore that property he had taken, is something more than the general conduct of a criminal in his situation; in the first place, it is necessary for me to say, that when first he went to the office, he was induced to make the confession he did, and he was then told the consequences very properly by the magistrate; he then was asked, whether he would make the confession; he did so; and, in short, he stood

stood in a manner convicted, from the testimony of some of the pawnbrokers; but yet, from the backwardness of others, it would have been absolutely impossible for me to have regained a considerable part of my property, had it not been for the confession of the prisoner; and I look upon him, in some degree, to have brought before the public, criminals equally guilty with himself; and in so doing he has made full compensation: what he could do, he has done; and therefore, although he is unfortunate, I flatter myself it may be his first offence; at the same time I flatter myself that he has not been so great a criminal as he appears in this Court: It is for that reason, and for that reason only, that I am to move your Lordship, that what I have stated may be laid as favourably as possible before his Majesty.

Court. Mr. Penton, you may depend upon it this case will be reported fairly and candidly by the learned Recorder (who is not here at present), and that your recommendation will make a part of that report; what effect it will have on his Majesty, it is not for me to say: I, for one, after what you have said, can have no objection to your recommendation.

Jury. My Lord, the jury wish to join with Mr. Penton as far as they can with propriety.

Court. Pawnbrokers, I see there is a list of no less than seventeen of you here; I am very glad, for your sakes and characters, that you have stood forth, in the manner you have done, to produce the property; it was not necessary to go into all that quantity of things, but you know very well it is your duty to deliver them all up; and I trust (I say it publicly before the learned counsel, who conducted this prosecution, as he does every other, very ably) that those pawnbrokers who have endeavoured to screen a man from justice, will have justice done them in their turn; and be assured, whenever men of their description come into this Court, and act improperly, the Court will take proper notice of them; because they know they have an opportunity of screening many thieves, and they

know also that they have an opportunity of being of great service to the publick; and when they do so, the publick will be obliged to them; when they do otherwise, the Court will hold a tight hand over them; and therefore you must deliver the goods you have to Mr. Penton's servants.

Mr. Garrow. Call Mr. Priestman.—My name is Priestman.

Mr. Garrow. I do not ask you a question, as I want nothing from you.—I am not ashamed of my conduct; I have done nothing amiss.

John Palmer. I have some articles of Mr. Penton's that were taken in by Mr. Priestman.

Thomas Wright. I am servant to Mr. Penton.

Mr. Garrow. Take that bundle of goods from this witness, and take care to keep them in the same state till you are called upon for them; make a mark upon them now.

Palmer. One of them does not belong to Mr. Penton.

Mr. Garrow. Take them as they are, and let Mr. Priestman bring his action.

64. WILLIAM SMITH was indicted for that he, on the 22d of September last, in the dwelling-house of Thomas Sessions, on Henry Sharpe did make an assault, and him the said Henry did put in fear, and take half-a-guinea, against his will.

(All the ladies and boys ordered out of Court.)

The case opened by Mr. Garrow, as upon the trials of Templeman, Platt, and Roberts, in the last Sessions.

HENRY SHARPE sworn.

I am a porter to a carpet manufactory, under the piazza, Covent-garden; I became acquainted with a man of the name of James Templeman, about two months before Christmas, 1789; I had seen him some times before I saw the prisoner; I saw the prisoner the 20th of September last, between the hours of twelve and one in the day.

Tem-

Templeman came into my master's shop; having been visited by him before, I made no hesitation to follow him out of the shop; I guessed his purpose: when I came out, Smith and Platt were under the Piazza; I walked with them across James-street; Platt says, d—n his b——g eyes, he has threatened to acquaint the Duke of York with our proceedings, but the Duke of York is as big a d——d b——r as himself; the prisoner was close by, and heard this conversation; I next saw the prisoner the 22d of September, which was Wednesday, about the same time, between twelve and one; Templeman came into my master's shop, with this paper in his hand (*delivered in*); he said it was an order from the Duke of York for me to attend him in the orderly room; I asked him to step with me across the Garden, meaning to take him to one Simms, who keeps a stall there, whom I had acquainted with the transaction; they both went with me; Smith was at the door; no more passed; Smith heard Templeman's representation, but did not speak, as I recollect; I saw Mrs. Simms; her husband was not there; I desired them to go to a publick-house, and call for a pot of beer; Mrs. Simms went for him; while she was gone, they both said that the Duke of York was then waiting, and I must go immediately; I said I had no objection to go, but would not go without a friend; Templeman said they had no notion of waiting, and the Duke of York would be gone; Smith answered, should he be gone, they could easily send for him; Templeman said, if I would not go, they would fetch a company, to oblige me to go; meaning, as I understood, more soldiers; I told them, if they would go to a publick-house any where, and call for a pot of beer, I would pay for it, so as to wait till my friend came; they said they would go to no publick-house; with that a conversation ensued, and they said, what a fool must I be to stand to be exposed in the street, when two guineas would stop the affair; they both joined in this conversation; I told them I had not two guineas, nor would I give it, if I had; Smith said, the Duke was so much a sol-

dier's friend, he would see them through any thing; I said, I made no doubt of the Duke's justice, and I hoped he would be my friend, as well as theirs; with that, they went to the White Horse, in the market, and called for a pot of beer; I did not go in; I paid for it; I was still looking out, in expectation of Simms coming; they did not seem pleased; they thought themselves too much exposed, they said; we went to the Northumberland-arms, kept by Sessions, in Russel-street, I do not know his Christian name; there Templeman asked for pen, ink, and paper; Sessions desired them to walk into the back room; they called for pen, ink, and paper; Sessions had no paper; I sent for a sheet; then they both said, if I would produce them a guinea, I should go at liberty, and never be molested again; I called for some liquor, and went to see for Simms; I left Templeman and Smith there; I was absent ten minutes; I went home for the guinea; I met Simms; he went there just before me; I came there directly; the prisoner and Templeman were there together; Simms was set down, with a pint of beer, in a distinct box; he got up, when I came in, and said, Sharpe, are these the men that extorted money from you? I said, those were two of them; Simms said, good God! are you in liquor? they said no, they were as sober as he; then he said it was worse in them to behave in that manner, because they must be little acquainted with the laws of their country; had I done any thing, or acted any indecency with them, they should have taken me before a justice; for by extorting one shilling in the manner they had done, it would most likely affect their lives; and he said to me, Sharpe, have you at any time taken, or received, any indecent liberties with those men; I declared, as I do now, before the face of God, and my sacred oath, that as I hope to receive no mercy at the hand of God, that I never knew whether he was man or woman; they acknowledged that I had not; they said I was innocent; but they said every body knew that soldiers pay was very small, and money they must have, some way or other;

other; with that, I expressed how unhappy I should be to take the life of a fellow-creature, and would sooner suffer than do it; I told them they were young men, they might live to be an ornament to their King and country; and begged, for God's sake, they would leave off this practice; they both expressed, Smith particularly, he was pleased to say, I spoke to them like a gentleman; Simms spoke to them nearly in the same manner; with that, I told them, that I would not give them a guinea, but if they would give this discharge, I would give them half-a-guinea, and no more; they promised to give me a written discharge; I said, my giving them this money, I should be pestered with Platt, who had been with them two before; Smith declared to God, in the most solemn manner, as God might receive their souls, that I never should, for Platt was down on garrison somewhere in Scotland; with that, I got change for the guinea, and produced the half-guinea; Templeman wrote this, and read it to Smith, and asked him if he was agreeable to sign it; he said he was agreeable to what Templeman was, and they signed it.

(The letter read.)

"SIR, "Sept. the 22d, 1790.

"I shall be much obliged to you, if you will please to step out to me, as I have got something very particular to say to you; I did not like to talk to you in your shop, as I thought you would not like it; I expect you to attend me immediately.

"Yours, T. B."

Templeman signed the name of Thomas Vick, and he wrote the name of Thomas Brown, his mark.

(The discharge read.)

"I do hereby promise, that I, Thomas Vick, and Thomas Brown, will not molest and disturb Mr. Sharpe, on any pretence whatever.

(Signed) "Thomas Vick,
 "Thomas Brown,
 his X mark.

"Sept. the 22d, 1790."

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I gave them half-a-guinea, and laid it on the table; Templeman would not take it up, till Smith said he was agreeable to take it; whatever he agreed to, he was agreeable to; then Templeman took it up; nothing more passed at that time; we went away; I saw no more of them that night; Simms was in the room at the same time.

Now attend to the question I am going to put to you: Upon what inducement did you part with that half-guinea?—Why, Sir, if other things had been brought forward, I could explain more; it was fear of my character, and losing my bread, which they had threatened to deprive me of, if I did not give it: I saw the prisoner again on the 20th of October, a month all but two days, passing and repassing before the Queen's-head, during the time Platt was demanding to have the same sum given to him equal to those two, and which I gave him in that house, in the presence of Simms: on the 4th of November Smith was taken into custody; I took Templeman, and he impeached Platt and Smith; I do not think Smith said any thing before the magistrate; I am quite certain he is the man that was with me at Sessions's house; there was no creature in that house but us during the whole time.

Court. It appears to me, from your evidence, that the giving the half-guinea was a voluntary offer of your own.—They proposed two guineas, and came to one guinea; at last, I told them, whether they would give me this discharge or not, I would give them no more than half-a-guinea.

Court. But after they had publicly acknowledged to Simms that you were perfectly innocent, and they agreed to sign this paper, it was a voluntary offer of your own to give them half-a-guinea?—It was to let me go about my business unmolested, without any charge of indecent behaviour or unnatural practice.

Was that the condition upon which they agreed to sign this paper?—It was.

Then they would not have signed the agreement, unless the half-guinea was paid?

F —They

—They told me they would not; that was the condition they made.

You would not have parted with this money, unless they had agreed in future not to charge you with unnatural practices?

—I should not, for I had been distressed before for two months.

What was your idea, supposing they had made this charge against you, and that you had been brought to trial for it, did you apprehend it would affect your life?—I did not know; they swore it would; they told me, two days before, that two was enough, but there were three of them would swear away my life; I told them my life was indifferent to me; that was on Monday the 20th, two days before.

Prisoner. Did I sign my name to that paper?—You made that mark, I was present at the time, as I stand here before God.

Court. And he consented to the acceptance of the guinea?—He did.

ARTHUR SIMMS *sworn*:

I keep a green-stall, in Covent-garden market; and, in consequence of an application from Sharpe, I went to Mr. Sessions', the Northumberland-arms; the prisoner and another soldier (Templeman) were there, in the back parlour; I went in before Sharpe, to ask them if they did not want Mr. Sharpe, the porter at the carpet-warehouse; they said, yes; Mr. Sharpe came into the room directly; I arose up, and said, Mr. Sharpe, are these the two men that have extorted money from you several times? and he said, in their hearing, yes; then I said, gentlemen, what has the man done, that you use him in this manner? they immediately said, he knows; I then asked Sharpe what he had done to these people, whether he was guilty of any thing at all to them; Sharpe then declared his innocence, and the prisoner and the other said he was innocent; then he said they came with a letter from the Duke of York, and put the paper into my hand, and wanted to take him to the orderly room; and they then said, they were to have two guineas

to take him to the Duke of York, at the orderly room; I do not know who was to pay him; I then asked Sharpe if he was willing to go; he said, with all his heart; they then said, the Duke would be gone, it would be too late; and they then agreed to take what Sharpe would like to give them; he said he would give them half-a-guinea, and he did give them half-a-guinea; I talked to them both a good while; I asked them why they teized the man so, and that they were young men; I asked them if they understood the consequence of extorting money, and they said my representation of their conduct had had an effect on them, and they would not go that way any more; they agreed to take the half-guinea, and to give Mr. Sharpe a receipt; I told them, if ever they came that way again, nigh-hand me, I should take them into custody. The discharge was wrote by Templeman; and I saw it signed by Templeman; and this prisoner, who could not write, put his mark upon it; I did not hear it read over, to my knowledge; I was very angry with myself that Sharpe would not let me take hold of them; and Sharpe begged and desired I would not, because it would take their lives from them: I am certain to the prisoner Smith.

Court. If I understand you right, the proposal of giving the half-guinea came from Mr. Sharpe, and was not imposed upon him by the prisoner and the other man?—They said they would take half-a-guinea, and should lose a guinea and half by not taking him to the Duke of York; they proposed a guinea a long while, and then came to half-a-guinea.

The half-guinea would not have been parted with by the prosecutor, unless they had given him that discharge?—No, it was on that foundation; that they should not molest him any more; they said no other soldiers could come nigh him, for they were all draughted to go abroad: Sharpe opposed my taking these men into custody, in order to bring them to justice.

Prisoner. Simms, did you see me put pen to paper that night?—Yes, Sir, I saw you take

take a pen in hand, and put your mark upon it.

Is the room divided into boxes, or is it one entire room?—It is one entire room; there is a table; I sat by the fire-place, and had a pint of porter; it was a back parlour.

SUSANNAH SESSIONS *sworn.*

My husband keeps the Northumberland-arms, in Ruffel-street; his name is Thomas Sessions; he has kept it almost nine years.

PRISONER'S DEFENCE.

In the morning this money was received I was in my quarters; James Templeman asked me to take a walk; coming along with him towards Covent-garden, he said he wanted to settle a business with Mr. Sharpe, that he owed him some money, and he asked me to go with him and see it settled; I said, I had no objection; it was nothing concerning me; he went and called Mr. Sharpe out of the shop; they were talking; I knew nothing of the business; Templeman asked him for two guineas, and said he owed it him; I went with Templeman to the publick-house, and Simms came in before Sharpe; when Sharpe came in, he told Templeman he would not give him the money required; Templeman asked me if I was agreeable to take the half-guinea; I said, it was nothing to me, I was agreeable to go without a penny; Templeman had wrote the note before Mr. Simms came into the place, and pen to paper I never put; Templeman took the half-guinea, and put it into his pocket, and went about his business; and Mr. Sharpe the same: I asked Templeman what that money was for; and he said he owed him a guinea and half more, which he had as much right to as that half-guinea; but he would not tell me what it was concerning, nor I did not know upon what account that half-guinea was given to Templeman.

JOSEPH ASHER *sworn.*

I am a serjeant in the Coldstream regiment; I know the prisoner perfectly well;

I have known him ever since the 31st of January, 1788; he has been a very honest man, as far as ever I knew; I never heard one single instance of his misbehaviour in any one particular; he was under my care, at first, as a recruit; he has been drawn in by the other two.

WILLIAM CLARKE *sworn.*

I have known him ever since the 5th of January, 1788; I enlisted him at Norwich; his behaviour was always very good, as far as ever I knew, till this time; he bore an undeniable character where I enlisted him.

Asher. The prisoner wishes me to produce a note that was sent out of the cells from the other two people, this morning, to me.

Court. I cannot receive any such thing.

The Jury retired for some time, and returned with a verdict,

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Baron PERRY.

65. JOHN GARDNER was indicted, for that he, on the 31st of July, in the 27th year of his majesty's reign, did marry one Ann Barge, spinster, and had her to wife; and that he afterwards, on the 8th of September last, feloniously did marry and take to wife, one Sarah Holt, spinster, the said Ann, his former wife, being then living, against the statute, and against the king's peace.

MARGARET BURGOYNE *sworn.*

I am servant to the honourable Mr. Talmaish. On September 8th last, I was at St. George's church, Hanover-square: I saw the prisoner married to Sarah Holt on that day: Mr. Nash was the clergyman that married them: I knew the prisoner before: Mrs. Holt is alive.

SARAH PAINTER *sworn.*

I live in Knightbridge: I get my bread by

by selling fruit in the street. I saw the prisoner married the last day of July, 1787, at St. Martin's in the fields, to Ann Barge; I was present: I am sure of the prisoner: I have not seen Ann Barge this month or more; but it is not so much as two months since I saw her: I saw her in Knightbridge.

WILLIAM GRANT *sworn.*

I copied the register from the register-books of the two parish-churches, the register of their marriages.

JOSEPH HOLT *sworn.*

I am brother to Sarah Holt.

———— DYSON *sworn.*

I am groom to the honourable Mrs. Mountague: I was present at the last marriage.

Prisoner. I have nothing to say against it.

GUILTY.

Fined one shilling, and imprisoned one year in Newgate.

*Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.*

66. ADAM WARD was indicted for stealing, on the 16th of December last, a piece of ash timber, value 2d. twenty pieces of leather, value 3s. two pieces of iron, called screw-wrenches, the property of William Leader; and a wooden spokeshaft, value 1s. the property of Richard Lucas.

JONATHAN BRANE *sworn.*

I was a workman to Mr. Leader: I was coming out of the shop, and I overtook the prisoner with a piece of timber on his shoulder, about two or three hundred yards on the road: I followed him to the Pindar of Wakefield's, and down a little passage where he went in, and took it up stairs: that was his lodging: it seemed like a piece of timber about four foot long, more or

less, and four or five inches thick: he had nothing else but his lanthorn: it was near six in the evening, and dark: it was the 17th of December, on a Friday.

Mr. Garrow, Prisoner's Counsel. I understood you, it was a piece of timber, or something like it?—It was a piece of timber represented: I cannot swear it was: I think it was.

JAMES WINTER *sworn.*

I am a baker and constable of St. Andrews, Holborn. I went with a warrant, and told him my business, and asked him what he had done with that piece of timber that he lately brought home out of Mr. Leader's premises? he said, oh, here it is, in a very careless unconcerned manner: says I, fetch it out, and he brought it out of his room, at the first door in a narrow passage behind the Pindar of Wakefield's: he acknowledged it to be Mr. Leader's property: I neither threatened nor promised him: it was on the 17th of December, about half past eight the same evening: the man was very sober, and in bed: he is a watchman whom Mr. Leader kept to protect his premises: Mr. Lucas was with me: I could not be certain whether it was the first or second door.

Mr. Garrow. Recollect all that the man said when he produced it?—He made a very slight value of it: he said he did not conceive it to be of any value.

Did not he say that it was part of a common sewer in the parish of Pancras; that he thought it of no value, and brought it home to burn?—I believe he did.

(The timber produced and deposed to by Lucas.)

It was formerly a coach-perch, and is not fit for any thing but to burn: I also found several pieces of leather, which he said was Mr. Leader's property, and he brought home to mend his shoes; and one piece of coach-leather, which he said he brought home to mend his spatterdashes, and was of the value of two and six-pence: and here is a tool which I am certain is mine; it is a spokeshaft.

Mr.

Mr. Garrow. I object to that; it is improperly laid: it is wood and iron, and it is called a wooden instrument: I could cite the case of Senior, in which I had the honour of very feebly assisting your lordship, in which the casements in the Temple were stolen: they were iron and wood, and they were described as iron.

Court. It does not depend upon that particular article.

The jury withdrew for ten minutes, and returned with a verdict,

GUILTY, 10d.

Whipped, and imprisoned six months.

*Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.*

67. MARY CARROLL and SUSANNAH JONES were indicted for stealing a printed cotton gown, value 5s. the property of Ann Puddiford.

The prosecutrix deposed, that being just come to London, and wanting a lodging, she met the prisoner Carroll, whom she mistook for a decent woman, and asked her for a lodging, upon which she took her to Susannah Jones's room, and she lost her gown.

VALENTINE RUMNEY *sworn.*

I am watch-house-keeper: the watchman is not here. About four in the morning, I went into the watch-house, and saw this young woman sitting by the fire, crying: I went to the room door where she had been robbed, but could not get in: on the 8th I took Jones in Newjoner-street, and Carroll I took out of the room.

WILLIAM LANE *sworn.*

I am servant to Mr. Reed, a pawnbroker. On the 8th of January, between nine and ten, I took in a gown of the prisoner Jones: the other was with her:

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Jones asked seven shillings on the gown: I offered her five: she agreed to take it: I asked her where she lived: it was her size, and I took it for granted it was her gown.

(The gown deposed to.)

CHARLES MORGAN *sworn.*

I am round-house-keeper. I went to Newtoner's-lane, and Jones challenged me: and the prosecutrix said, that is one of the girls that robbed me; and she denied it: we took Poll Carroll out of bed; and she said, that was the other that robbed her.

PRISONER CARROLL's DEFENCE.

The young woman asked me in Fleet-street, where she could get a lodging; I said, the French Horn, or the Bull and Gate: she asked me to drink: we had a glass of rum apiece: she asked me to go with me: I told her mine was but a poor place: she went with me: we had gin two or three times; and at home, a pot of beer, a quartern of gin, a pint of beer, and another quartern and a half of gin: there is no fastening to the door; and the young woman jumped up, and said she had lost her gown.

Prisoner Jones. I know nothing of it.

MARY CARROLL } GUILTY,
SUSANNAH JONES }

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.*

68. DAVID GILBERT was indicted for stealing two she asses, value 4l. and a leather halter, value 6d. the property of Benjamin Morgan, December 22d.

BENJAMIN MORGAN *sworn.*

I lost two she asses on the 22d of December last: I locked them up the night before: the stable was broken open.

G Macnamara

Macnamara and Charles Bailey took the prisoner with two asses; and *Bailey* was not a yard distance from him all the time, and was sure he was the man: the prisoner said at the justice's he did it for want.

PRISONER'S DEFENCE.

I did not break open the door: I found the asses astray.

GUILTY.

Whipped.

*Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.*

69. **EVAN JONES** was indicted for stealing, on the 11th of January, two bottles, value 6d. and two quarts of castor oil, value 7s. the property of *Francis Casher*.

CASHER *sworn*.

I live in the Poultry, and am a druggist. The prisoner was porter to me: I missed some castor oil; and from particular circumstances, was led to suppose he was the man that robbed me: we had been robbed twice that day before: I ordered my servants to observe his pocket: I returned home, and had him into the counting-house; he immediately asked my pardon, and said it was the first offence: I sent for the constable: he searched him, and he found a bottle in his breeches: I had taken one out of his pocket: he was committed.

The constable deposed he was sent for, and desired the prisoner to let him search him; and he gave him the biggest bottle from his pocket: it contained oil: he searched all his pockets, and found three shillings and ten-pence in money, and an eighth of a ticket for this year, and took him to the Compter.

SAMUEL BROMPTON *sworn*.

I am shopman. On Tuesday, the 11th, I stopped him: he pulled the bottle out, and begged mercy: I went for the constable: when he came, he searched him, and found this bottle of oil on him.

Constable. He gave me the biggest of the two: the other was just taken: whether out of his breeches, or pocket, I cannot say.

(The large bottle deposed to by Brompton.)

I cannot say I know the other: I know it by the mark I put upon it: I cannot say it had never been out of the house.

Prisoner. I am not guilty, my lord.

The prisoner called seven witnesses who gave him a good character.

GUILTY.

Whipped.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

70. **EDWARD FELLOWES** was indicted for stealing, on the 2d of January, a black silk cloak, value 20s. a bonnet, value 8s. the property of *Alice Campion*, spinster; and another black silk cloak, value 20s. the property of *Ann Campion*, spinster, in the dwelling house of — *Campion*.

ALICE CAMPION *sworn*.

On the 2d of January, I left my cloak and bonnet in a bed-chamber: my mother and sister slept in the same room; I saw the black silk cloak that was my property, about two o'clock, and my sister's also, about three o'clock: I saw the prisoner going out of the street-door; he had been a lodger three weeks; I was going out of the door also, and I followed him, and saw part of a black silk cloak hang out of his right side pocket, which was mine; I caught hold of his coat, and took it out; I asked him where he got it? he walked off; he said he did not know; and I called one *Daniel Leary*, a lodger in the same house, to assist me; he brought him back in five minutes; I searched him, and found my sister's cloak in his left-hand pocket, and my bonnet in his apron, which was double, and the bonnet was put in between the apron,

apron, which was like a sack: I sent for the watchman to take him up; I delivered the things to Cockle the watchman.

JOHN WALLIS *sworn.*

I am a constable. I received this bundle from Cockle the watchman, at the watch-house, on Monday, the 3d of January; it has been in my possession ever since.

DANIEL LEARY *sworn.*

I am a lodger in the prosecutrix's house, and the prisoner lodged there. On Sunday, the 2d of January, I was called to by the witness, Alice Campion, between two and three; I had been of an errand for her mother; and returning, the young woman called to me, there is the gardener that has stolen my cloak; I saw the prisoner, and she desired me to follow him; I brought him back in five minutes; he said, I am drunk! I am drunk! he came back very quiet; I told him Mrs. Campion wanted to speak to him; there was a cloak and a bonnet found upon him: I fetched the watchman, Cockle, and the things were given to him.

EDWARD COCKLE *sworn.*

I am a watchman. I was fetched to the house, and Mrs. Campion said she had a thief who had robbed her; and she gave me two black silk cloaks and a bonnet; and I took charge of the prisoner, and locked him up in the watch-house.

Wallis. These are what I received from Cockle the watchman; they have been in my possession ever since.

(Deposed to by Alice Campion.)

ANN CAMPION *sworn.*

I am the sister. I had a black silk cloak in the chamber; I saw my own cloak about nine in the morning; my sister shewed me my cloak about three in the afternoon, after he was brought back; I knew it again.

(Deposed to.)

PRISONER'S DEFENCE.

I was very much in liquor that day, and I do not know what I did; I must leave it to the mercy of the Court; I have been twenty-five years in Ipswich, and have nobody here.

GUILTY, 39s.

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. Baron THOMPSON.*

71. GEORGE MEADOWES was indicted for stealing, on the 14th of December last, four pounds weight of soap, value 2s. the property of John Champion.

JOSEPH SMITH *sworn.*

I am servant to Mr. Champion; he is a dealer in soap. On the 14th of December, about five pounds was missing, of yellow soap; it was value about two shillings; I did not see the prisoner take it; I had no knowledge of him; I was driving the cart along the curtain road; and I went through the turnpike, and the turnpike-man said, there is a man has taken two cakes of soap; and I stopped, and ran after him; he ran and threw the soap away; it was in the road; it was the prisoner at the bar: there was a bricklayer took him in my presence, at the same time; we took him to Shoreditch, to Mr. Armstrong's; I found the soap behind the buildings; I was present at the justice's, and he said a man gave it to him; I am sure it was him; he was running when I first saw him; he was the person that throwed the soap away; there was no other man near him.

ANN NORTON *sworn.*

I was going across the road between nine and ten, of a Tuesday, December the 14th; there was two men at the back of the cart; the turnpike-man called, and he put it under his left side, with one button or two; the other man followed the cart, till the turnpike-man spoke, and then he made

made off; I sent the young man after the man that took the soap; and one Ditchman stopped him; I am sure the prisoner is the man; I saw him take out a quantity of soap; it was between nine and ten; I was some time seeing him.

The prisoner called two witnesses to his character.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron PERRY.

72. SOZE DE SOUZA was indicted for stealing, on the 24th of December last, twenty-four guineas and a crown-piece, and a watch with a silver case, value 20s. a purse, value 1d. and six shillings in monies numbered, the property of Gregory Lacey, in the dwelling house of William Groves.

GREGORY LACEY *sworn.*

I live in the parish of St. John's, Shadwell. I have lodged with William Groves, who has lived in the house ten or eleven years; there is one common door to the house; I am a ballastman; I am a staffsman of a lighter; I have the charge of her; I had twenty guineas in a purse, and four guineas loose, and six shillings in silver, and a crown-piece, and a silver single cased watch; I saw it on Wednesday, the 22d of December, between one and three; I looked at the money, and counted it, and locked it up, and took the key; the purse was silk; my room was up one pair of stairs: On Friday, the 24th of December, I missed my money; when I came home from work, I wanted dry clothes; I took no notice of my chest from Wednesday till Friday, about three or four in the afternoon; then I went to unlock my chest, and found it was broke open; the staple was wrenched off, and the lid wrenched up; and I missed all the money, and watch;

one crown-piece was left behind; the purse was taken also; I had some clothes in my chest which were not taken; I saw my watch and my purse again on the Sunday following; the money I could not swear to; the watch and purse were in the hands of William Elby, an officer, and thirteen guineas and a half, and eleven shillings and three six-pences, and a crown-piece and two watches, neither of which was mine; the prisoner lodged in the same house with me from the Monday before, and went away on the Sunday following.

WILLIAM GROVES *sworn.*

I have kept this house where Lacey has lodged, near upon eleven years. The prisoner came to me on the 20th of December, to lodge, on Monday, Tuesday, Wednesday, and Thursday, with a little lad of mine; on Friday morning, the prosecutor went out to work, about three in the morning, and left the prisoner in bed; I returned soon after him, and he said he had lost twenty-four guineas and a watch, and one crown-piece and six shillings; we had no suspicion of the prisoner then, but he went out in the afternoon about four or five, and did not return till Saturday morning; I asked him where he had been all night? he said, to some woman he knew in New Gravel-lane, and had a two-penny lodging, as it was late, and he would not disturb us; on Saturday he was at home best part of the time, till the evening; Mr. Lacey and he sat by the fire-side; and he said to Lacey, who was very uneasy, do not you fret, good Sir, you will have your money again; on Saturday night he laid at my house; on Sunday morning he breakfasted with us, and asked when dinner would be ready? we told him about two; but he never returned in the course of the day; he went out between nine and ten; and we never saw him till the evening, when he was in custody at the Spread-eagle in Gracechurch-street; I went to apprehend him with Elby and Forrester; and he had taken the coach to go to Portsmouth that evening;

evening; on searching him, were found thirteen guineas and a half in gold; it was loose in his under waistcoat pocket; he had three jackets on; and in the other pocket on the other side, there was a crown-piece, ten shillings, and three six-pences; on searching him farther, a watch was found in his fob pocket; the chain hung out; and on the other side, another watch concealed in his pocket; the string put in; he made very little resistance at that time; we took him into custody; and he confessed he had put the money under a stone in my yard; we went to look for it, but found nothing; then Elby came and fetched the prisoner; and there was a barrow full of old bricks; the prisoner pointed with his hand as well as he could, and said, there was the purse; and Elby picked it up; and he said he had taken the money, which was seventeen guineas, in his shoe, and taken it down to the Angel, Stone Stairs, near Ratcliffe-crofs, and left it with the landlady till called for; we went to the landlady for the money; and we found the prosecutor's watch there; she delivered it to Mr. Elby.

ANN BLENKINSOP *sworn.*

I have the charge of my father's house, at Stone Stairs; he has lost his eye-sight. I know the prisoner; I first saw him a few days before Christmas; him and his landlord, and the waterman, and another shipmate, had a pot of beer, and went away, and once or twice after. On Friday, the 24th of December, he came in about eleven in the morning, and the landlord was with him I am certain; they made no stay; he asked for the waterman; he went out, and I think he did not stay above half a minute, and returned again alone; he said he wanted to speak to me; I went into the back room with him; then he said, would I take care of his money which he had for his wages? I told him, yes; he said he was afraid of losing it in bad company; he took off his shoe, and put seventeen guineas into my hand, which he took out of the

shoe; but it was not in a purse; I promised him to take care of it; he desired I would give it to nobody but himself; I said I should not, without his order, and he went away; I put the money up stairs in a purse; I saw no more of him till Sunday morning, much about eleven; he came and said, I want to speak to you; and I went into the same room; and he said, you shewed my shipmate a watch which I will buy of you; I told him he knew the price of it; and I brought down the watch, and he said, give me the balance out of my money; he said, three guineas out of seventeen, there is how much? I said, you know there remains fourteen; and I asked him if he wanted his money? I said, you had better take what you have occasion for, and leave the rest in my hands; he said, no, his captain had laid him a wager that he had spent his money, therefore he would just take the money in his pocket to shew to his captain, and bring it back at night for me to take care of; I went up stairs and brought down the purse I had put it in, and he took it, and said, good morning; when he got half way out, he turned back and said, he had bought a watch of one of his shipmates for half a guinea, which he wished to have cleaned, would I get it done for him? I told him yes, and he gave me the watch; I looked at it, and told him he had bought it very cheap; I said, I supposed as he had bought the other of me, he would sell that; and if so, he had better have a new face put on her, and some little alterations which I pointed out, which would make the watch sell much better, and cost seven or eight shillings; he then said he would have the chain of the old watch put on to the new; but he said, it was no matter, he would take it as it was, and left the watch in my hands; I saw him no more till I saw him before the justice on the Monday. On the Sunday night, Elby came, and I gave him the watch; I told them of the money, which they seemed to know nothing about.

WILLIAM ELBY *sworn.*

I am a constable. On Sunday, the 26th of December, about six o'clock, a young man came to me and said, he suspected a man was guilty of the murder of the man and woman some time back; and he described the prisoner; I had seen him before, and I apprehended him with Forrester and Groves, at the Spread-eagle, Gracechurch-street; the stage was pretty nigh getting off; I went into the tap, and seized the prisoner; he asked me whether I was going to Portsmouth? Forrester and Groves came in; I searched the prisoner in a back room, and found on him, in his inside waistcoat pocket (I saw only two waistcoats; he might have three) thirteen guineas and a half: I searched him farther, and in the pocket on the other side, I found ten shillings in silver, and three six-pences, and a crown-piece by itself, in his trowsers pocket, on the right hand side; I had heard of Lacey's robbery, and finding this crown-piece, I suspected the prisoner to be the man that did this; and this watch I found in his other trowsers pocket, concealed, with no appearance of a chain; he said he gave three guineas for it; and on the other side was this watch with the chain hanging out; we brought him to Mr. Lacey, to the Black Horse in Goodman's-fields; neither of those watches were Lacey's; I had no conversation with the prisoner, nor heard any promise or any thing between Groves and him: I went to Mrs. Blenkinsop's, and found the prosecutor's watch; and the prisoner went with me, and shewed me where the purse was, under some bricks; I took it up; the prisoner said he did not break open the chest, but the person who did, had four guineas for his trouble; I never heard the prisoner say any thing about the money left with Mrs. Blenkinsop: the prisoner bore a very good character on board of ship, both from the captain and mate; his ship had not been up a week, therefore he could not have been the man that did the murder.

(*The things produced and deposed to.*)

Prisoner. I have nothing to say, only I wish to have my own watch.

GUILTY, Death.

Try'd by the first Middlesex Jury before Mr. Baron THOMPSON.

73. ANN RHODES was indicted for stealing, on the 16th day of May, 1789, one pair of brilliant diamond ear-rings, value 100l. one watch with a gold case, value 10l. a steel chain, value 10d. a silver cream-pail and ladle, value 3l. and a silver half-pint mug, value 2l. the property of Robert Daniel, in his dwelling-house.

ROBERT DANIEL *sworn.*

I live at No. 12, Devereux-court; I am a builder: in May, 1789, the prisoner nursed my wife; on the 13th of May they came from Illington home, and I looked in the drawers on the 14th, to see if any thing was missing, and all was safe, and I brought them down stairs; on Friday the 15th, about one, says my wife, there is somebody going up stairs; says I, it is only the cats; and in the morning I went to go into the room; I could not get in; I tried again; says nurse, may be I have given my mistress the key of my door; so she took out the key; this was on Saturday morning the 16th: on the Saturday night the prisoner was sent for some spinage, and never returned; I saw her no more till she was taken, which is almost twenty months since the robbery; and on the Monday se'nnight after she went away, I missed the milk-pail and ladle, and then all the other things; I had hand-bills circulated about, and in half an hour after Mr. Jones produced the cream-pail and ladle; I never recovered any thing else; I advertised her for a fortnight, and met her about three weeks ago.

Mr. Garrow, Prisoner's Counsel. You have known this woman a great many years? —Yes, I suppose 18 or 20 years.

You knew her when she lived in the family of Mr. Fonseca? —I did.

He

He was a man of property, and a near relation of yours?—That may be; I did not know he was any relation of mine.

Do you say that gravely now; not so near a relation, I should think, as a father?—No.

Never understood to be so?—No.

This woman lived in lodgings of her own till she came to your family?—I believe she did.

Have you so good a reason for believing it as having visited her at her lodging very often?—I never was there above once or twice.

How long had she been a nurse to your wife?—About five or six weeks.

Your wife is an ancient woman, is not she?—Not very young, nor very old; not so old, I suppose, as sixty.

Upon what terms was this woman invited to come into your family?—I met her; says I, do you know any body that goes out a-nursing? she said, yes; for, says I, my wife is very bad; I want a woman of a humane good disposition; I shall be obliged to you; she said, I know a very honest woman; she sent her down; the woman was thick of hearing, and she could not talk to her; she sent her away; in the course of that time she came.

She did not come with any express invitation of yours?—No, she did not.

You did not hear her say she was afraid of being arrested?—No, I did not; I thought her as honest a woman as ever God put life into; I thought no more of her than I should have of you, if you had been there.

Did you ever give her any of the things?—No.

THOMAS JONES *sworn.*

I am a pawnbroker, in Fleet-street; I produce a milk-pail and ladle (*deposed to*): on Saturday the 16th of May, 1789, to the best of my remembrance, a woman came to my shop, and offered a milk-pot and pint mug to pledge; I asked her whose property they were; she said Mr. Ingold's, whom I know very well: I cannot speak to the wo-

man: my man knew her, and said I was perfectly safe in buying them; I bought them; I did not send to Mr. Ingold, to make any inquiry; I received the hand-bill a week after; they are worth eight or nine and thirty shillings; I gave 3l. 6s. for all together.

JOSEPH LITTLER *sworn.*

I was servant to Mr. Jones in May, 1789; I know the prisoner, and had known her for about three years; she has several times pledged things for Mr. Ingold; on the 16th of May she came to Mr. Jones's shop to pledge a milk-pail and ladle; the half-pint mug was weighed to our workman, a spoon-maker, because we did not know of the robbery till it was melted; I made no remarks on the half-pint.

MARTHA HATCHETT *sworn.*

I was servant to Mr. Daniel at the time when the prisoner came nurse there: on Saturday night, the 16th of May, she said she was going out of an errand; she said she would return, but did not; I left the family the 18th of May; my month was up then.

She was recommended to mercy by the prosecutor.

GUILTY, Death.

Tried by the second Middlesex Jury before Mr. Baron PERRY.

74. FRANCES SMITH was indicted for stealing, on the 8th of January, one pair of cotton stockings, value 2s. the property of George Phillips.

ELIZABETH PHILLIPS *sworn.*

I lost my stockings: the prisoner came up, and asked if my name was Phillips, and if I took in washing; she said she came to tell me of a family's washing, at Mr. Martin's, No. 24, in Berner's-street; she told me to go there, and enquire for the housekeeper, Mrs. Smith; I was to have the family's washing; I asked her how she came

came to hear of me; she told me it was a Creole family; I asked her if there were any black servants lived in the family; she told me yes, two; I asked her if the footman was a black man; she said yes, and his name, but I could not recollect any person of such a name; she had a child in her arms, which cried; and it being very cold, I asked her to warm the child by the fire; she thanked me, and went; she sat some time, and I gave her some bread and butter, and milk and water, for it; she staid about three quarters of an hour, and bid the child say *taa*, and went away; soon after, I missed a pair of stockings, from just over her head, which hung on a line; there were four or five pair hung over them; they were the best: I saw the stockings again, in the possession of Hatch, the constable.

ROBERT HATCH *sworn.*

I am a constable; I apprehended the prisoner last Saturday, between eleven and twelve, on another charge; I found these pair of clean stockings in her pocket.

(Produced, and deposed to.)

Prisoner. I picked them up at the street-door: I am with child.

GUILTY.

Fined 1s. and imprisoned six months.

*Tried by the second Middlesex Jury before
Mr. Baron THOMPSON.*

75. ELIZABETH BLACKWELL

was indicted for feloniously breaking and entering the dwelling-house of Daniel Delaney, about the hour of one in the afternoon of the 4th of January, himself and family being therein, and stealing one silver table spoon, value 10s. 6d. and one silver fork, value 10s. 6d. his property.

ROBERT TOWLEY *sworn.*

I am butler to Daniel Delaney, Esq; in

Downing-street, Westminster; I saw the fork and the spoon, mentioned in the indictment, on the 4th of January; I went out; and when I returned, I found the prisoner in custody.

EDWARD WILSON *sworn.*

I am servant to Mr. Daniel Delaney: on the 4th of January I cleaned three silver forks and one silver spoon, and some knives; I put them in the butler's room, below stairs, about one, in a tray; I went out of the room and shut the door after me, and went into the kitchen; and in about ten minutes I went again into the butler's room, and came out and shut the door after me; I went again in about ten minutes, and the door was then shut; and I looked out at a large window, which is in the room, and saw the prisoner going out up the steps in the area; I followed her, and she had got just into the narrow part of the street; I asked her what she did down the area; she made me no answer, but kept her right-hand to her apron, which was rolled up; I asked her what she had there; I told her I must see; I unrolled her apron, and the spoon fell out, and I took the fork out; I asked her where she got those things; I took her back to the butler's room, and she pointed her left-hand to the tray, where she had taken them from; I said nothing to her; I told her to stop; I kept her till my fellow-servant came in, about ten minutes, and shewed him the spoon, and told him, and he said he would acquaint his master; and she was committed; the constable has the spoon and fork: there is a door at the bottom of the area.

SAMUEL TAYLOR *sworn.*

I apprehended the prisoner, and took charge of the things.

(Deposed to.)

Wilson. The servants have occasion to go out and in at the area.

Prisoner. I was a poor woman; I went down to ask for a bit of victuals, and I saw them

them laying at the kitchen door, and took them up.

GUILTY of stealing.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. Baron THOMPSON.*

76. WILLIAM NELSON was indicted for feloniously assaulting Elizabeth Harrison, jun. on the 3d of January, in the King's highway, and putting her in fear, and taking two muslin gowns, value 20s. and divers other things, the property of Elizabeth Harrison, widow.

(The witnesses examined separate.)

ELIZ. HARRISON, jun. *sworn.*

I am daughter to the prosecutrix; she is a widow, and lives in Boar's-head-passage, Smithfield; she takes in washing; I was going with a bundle of dirty linen, on the 3d of January, along Weymouth-street, Marybone, about half past five in the evening, my mother with me; there were two muslin gowns, a callico gown, a child's frock, two table-cloths, a napkin, a pair of pillow-cases, and six towels; I brought the bundle from Beaumont-street, No. 3, to wash; I was coming home; just by Portland-place, two men seized the bundle from under my arm, and tore my apron off with it, which was partly under the bundle, to rest it; they just snatched it, and run away; they both had hold of it; I just saw the glimpse of their hands; one of my apron-strings was broke away, and I lost my apron too; they said nothing to me; I ran after them immediately; my mother had a great load on her head; she stopped; I had the man in sight all the time who had the bundle; he run to Weymouth-mews, and I met two men, and told them; they ran after him, and took him into a publick-house in the mews; I saw him directly; it was the prisoner; I cannot say by his face, but he had a light coat on; the prisoner asked

me if he was the person that took the bundle; I told him I could not tell, I was sure, for I never minded his face: the bundle was given to the constable.

ELIZABETH HARRISON *sworn.*

I am mother of the last witness; I was coming home from Beaumont-street with a great load of linen on my head, to wash; my daughter had a bundle under her arm, and hold of her apron; her hand was on her apron: about Portland-place, I heard her cry out, Oh Lord! I am robbed; I perceived two men's hands on the bundle, and I saw it snatched away; they both ran away; one struck across the way, that was him which had the bundle; my daughter ran after him; I stood crying, and two men came up to me; I told them what had happened, and they ran after him and took him; their names are Raper and Booth; I got across the way, and the child came to me with the bundle again; in about a quarter of an hour, I was going home, and the men came after me, and said I should take him up, and they brought me back again; then I saw the prisoner in custody of the two men; the two men seized the bundle together; I observed the glimpse of the colour of his coat when he took the bundle, but he was as quick as lightning; it was a lightish colour; I did not see his face; I had not time to observe only to the prisoner's coat.

SAMUEL BOOTH *sworn.*

I live at No. 14, Barlow-street, Marybone: on Monday the 3d of January, coming along Portland-place with a friend, Mr. Raper, the corner of Weymouth-street, I heard the cry of stop thief! upon which I saw two men running; they both run across Weymouth-street into Weymouth-mews; one of them had a white bundle; we run up to the top of the mews, and there is no thoroughfare; and a man with a blue coat or jacket run past us, coming back again, and I stopped the prisoner and took a bundle out of his hand; he was returning also; I gave the bundle to the

young woman, who ran up after us; I collared the prisoner with Raper, and we took him to the Dover-castle, in Weymouth-mews, and sent for a constable, and took him to Justice Reid's; he said nothing at the publick-house about the bundle; I could not see the men properly, but the bundle; I never lost sight of the bundle.

LEONARD RAPER *sworn.*

Deposed to the same effect, and that the prisoner came by, and said, the thieves are run the other way, but I have got the bundle; I said, it is very well, the poor girl will get her bundle again: Mr. Booth came up to me, and we collared him, and took the bundle; we took him into the publick-house, and sent for a constable; and he was committed; I never lost sight of the person who had the bundle; I never saw the bundle put down; I saw only two persons in the mews; one that came by me, and the other that came with the bundle, which is the prisoner.

Booth. We were not twenty yards distance; I am very sure I saw the bundle all the time.

CHARLES BAKER *sworn.*

(Produced the things.)

Mr. Booth gave me the bundle at the magistrate's; it has been in my possession ever since.

Booth. I delivered it to the girl at first, and when I went into the publick-house I took it again, and carried it to the justice's, and gave it to the constable; it was opened there, and I marked every article by desire of the justice (*deposed to by Mrs. Harrison*): the string of the apron was torn off, and it was torn in the middle of the binding; I picked it up on the pavement, a yard from the place where he seized the bundle.

PRISONER'S DEFENCE.

I was coming at the end of Portland-place; I heard the cry of stop thief! I perceived two men, one in blue, and the other in a light drabbish coat; and I heard two

women cry stop thief! and immediately the man in blue passed me; I followed him, and he turned down the stable-yard in Weymouth-street, on the right-hand; I followed him, within ten yards of him; I saw him heave something from him white; I crossed over to stop him; he knocked me down; then I picked up the bundle to give it to the person it belonged to, which I did, and gave it to the gentleman.

GUILTY of stealing, but not violently.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Baron THOMPSON.

77. **JAMES POOD** and **THOMAS MURRAY** were indicted for stealing, on the 12th of January, two silver tea spoons, value 5s. and one metal watch, value 20s. the property of Christopher Collins.

CHRISTOPHER COLLINS *sworn.*

I am master of a man-of-war: about two months ago I came home from America; the two prisoners lived with my wife, at the Fountain, in Cheapside; Pood was discharged my service on Christmas-day; at tea-time two silver spoons were missed; last Tuesday I took my family to dine with me on board the ship, at Deptford; the watchmaker who had my wife's watch to repair, he brought it home, and gave it to one of my servants, and it was missing on the Wednesday; I had some suspicion of Murray having the watch, having more money than is usual for such boys to have; I desired him to confess, and promised him every lenity I could; I went, on the boy's information, to the pawnbroker's, and found the watch and spoons.

ROBERT PAYNE *sworn.*

I am servant to Mr. Berry, pawnbroker, Ludgate-hill: on the 27th of last December, the prisoner Murray brought two spoons to pawn, and said they were his mother's,
in

in the Old Change, upon which I advanced him 3s. On Tuesday the 11th of January he brought a watch, and I lent him a guinea.

(The watch and spoons produced.)

GABRIEL JOHNSON sworn.

I am a constable; I only took the charge.

Prisoner Murray. I pawned the spoons.

JAMES POOD, NOT GUILTY.

THOMAS MURRAY, GUILTY.

Privately whipped, and discharged, and delivered to prosecutor.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

78. **PRISCILLA HODDER** was indicted for stealing half-a-guinea, two half-crowns, and three shillings, the property of William Hebborn, privily from his person.

WILLIAM HEBBORN sworn.

I am a cooper; I live in Gravel-lane, Southwark; I was coming from Bridge-water-square, Barbican, about 12 o'clock in the night; the prisoner was standing by a publick-house door; she asked me to give her a glass; I was rather in liquor; I gave her 6d. and a glass; I drank none myself: when I came out, she stroked me down; a man was coming by, and told me to take care of my pocket; there was half-a-guinea, two half-crowns, and three shillings; she took it all; I told her, if she would give me the half-guinea, I would forgive her the rest; but she would not; for I did not want to have any thing to do with it; I never was before any of your justices before: the watchman took her to the watch-house, and searched her, and found nothing about her, but her hand clinched, and there was the money in her hand.

Mr. Peatt, Prisoner's Counsel. What o'clock was it?—About twelve.

You was boozy?—I could walk very well, and knew what I was about; I saw nobody

but the watchman, the woman, and myself.

You told the woman you would not prosecute her, if she would give you the half-guinea?—I did.

WILLIAM WRIGHT sworn.

I am officer of the night; I took the prisoner into custody, and searched her, but found only sixpence, which the prosecutor gave her; on looking at her, I saw her hand closed; I caught hold of it, and found half-a-guinea and eight shillings; he promised to forgive her, if she would give him the half-guinea.

JOHN NEWMAN sworn.

I am constable of the ward. *(Deposed the same as the last witness).* I found the money in her left-hand.

PRISONER'S DEFENCE.

The prosecutor gave me sixpence first; then he gave me the rest of the money himself, and told me there was half-a-guinea among it.

Prosecutor. I declare, upon my oath, I never gave her only one sixpence.

The prisoner called two witnesses, who bear a good character.

GUILTY of Reaping, but not privately.

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

79. **PETER SEDDON** was indicted for stealing a cambrick pocket-handkerchief, value 2s. the property of the Right Hon. Lord Cavan.

LORD CAVAN sworn.

The prisoner was servant to me; I sent him on an errand; in the mean time, a pawnbroker came and produced a cambrick handkerchief which was mine.

The

The pawnbroker deposed, that the servant offered him a handkerchief to pawn for a shilling; he looked at it, and saw a coronet upon it, and the prisoner said Lord Cavan gave it to him: he had Lord Cavan's shirt on: he was secured.

(The handkerchief deposed to.)

Prisoner. I found the handkerchief as I was going out of the house, I did not know who it belonged to, and I went to pawn it for a shilling.

GUILTY.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. RECORDER.*

80. ANN (wife of Thomas) SMITH was indicted for stealing 50 yards of linen cloth, value 50s. the property of Edward Gillam.

—— HACKER *sworn.*

I am packer to Messrs. Moore and Co. Cheapside; the goods were packed on the 8th of December; I gave them to the porter to take to the inn; they were marked "J. Peckham, Wisbech."

WILLIAM HACK *sworn.*

I delivered the packages to the book-keeper of the waggon, in Bishopgate-street.

WILLIAM HAYLEY *sworn.*

I am book-keeper of Mr. Edward Gillam's waggon; I received this from the last witness, and saw it put into the waggon, and the waggon set off.

THOMAS WILKINSON *sworn.*

I drove the waggon; I took up the prisoner at the Black Dog, Shoreditch, and a man; she said she was going to Waltham-croft, but did not go all the way; she got out at Tottenham.

BENJAMIN BUTT *sworn.*

I am the guard; this woman got out at Tottenham; I searched the woman, and under her petticoat, on one side, kept up by some of the bindings of the clothes, I found this cloth; it has been in my possession ever since; the man and woman went in together; she spoke in presence of the man; he went into the room before her, and the waggoner followed her.

—— HACKER. This is one of the packs; it is the same that I sent to the waggon; the private mark has been rubbed off.

Prisoner. The man is my husband; we were together; he gave me a blow, and I was obliged to take this bundle; he was a bad husband.

GUILTY.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. RECORDER.*

The Second (being the last) Part of this Session, will be published in a few Days.

T H E
P R O C E E D I N G S

O N T H E

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

A N D A L S O

The Gaol Delivery for the County of *Middlesex*,

H E L D A T

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 12th of JANUARY, 1791, and the following Days;

Being the SECOND SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. H O D G S O N,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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Pater-noster Row; and J. MARSOM, *High Holborn*.

M D C C X C.

N. B. The Sessions Papers will be comprised in *Two Parts only* for the future, by Order
of the Common Council.

1/A

T H E
P R O C E E D I N G S

U P O N T H E

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

81. **A** NN COX and MARY DESBOROUGH were indicted for stealing, on the 18th of September, one copper pottage pot, value 2s. one blanket, value 12d. a shift, value 2d. and a flannel petticoat, value 2d. the property of Thomas Goble.

THOMAS GOBLE *sworn.*

I live at Richmond; I lost the things in the indictment; the youngest prisoner, Mary Desborough, is my wife's daughter; she had lived with me two years; she lived, when I lost the things, with Ann Cox; all the things in the indictment were found in Ann Cox's house; Mary Desborough acknowledged the things, to be mine; they have no marks.

HENRY WICKHAM *sworn.*

I received the things of the prosecutor; the prisoners were in custody.

Court. Are the things in the same state and condition as when you received them?

—No, they are blacker.

Prisoner Cox. I know nothing of it.

Prisoner Desborough. I took the property, and gave it to him directly.

ANN COX, NOT GUILTY.

MARY DESBOROUGH, GUILTY, 10d.

Privately whipped.

*Tried by the second Middlesex Jury before
Mr. Baron PERRY.*

82. JOHN WALLIS was indicted for assaulting Joseph Cutforth Hill, on the king's highway, on the 6th of January, and putting him in fear, and feloniously taking from his person, and against his will, a watch with a metal case, value 40s. a silk handkerchief, value 1s. and four shillings in monies numbered, his property.

(The witnesses examined separate.)

JOSEPH CUTFORTH HILL *sworn.*

I live at No. 21, Great Russell-street, Covent-garden; I am a linen-draper. On the 6th of January, Thursday evening, about seven in the evening, I was going to St. Paul's-church-yard, from my house; a few yards before I came to the corner of Norfolk-street, where there is a pastry-cook's shop, I perceived a croud there, being twelfth night; I thought it most prudent to avoid that croud, being on the foot-path; on stepping from off the curb-stone, I found myself pushed by several men, that I could not get off; they pushed me about violently; and from some words they uttered, I apprehended I was in the hands of pick-pockets.

Did it appear to you that the pushing was done by design or accident?—I think by design, and thought so at the time, and endeavoured to extricate myself; there appeared to be seven or eight, some behind and some before; but they seemed, as it appeared

appeared to me, to be particularly engaged about my person; one man in particular pushed me on the left shoulder, on the pavement, from the way I was stepping; I could but notice him; that was the prisoner; they uttered bad words of swearing, such as where are you going, and damn you, what are you about? I saw him about before; I cannot say he said those words, but he was among them; he put his shoulder against mine; I had my left shoulder that way, with his left shoulder; I found myself quite impeded going along, and found myself in a very disagreeable situation; the croud these men made, was a distinct body from those about the pastry-cooks; I was drove more towards the pastry-cook's; and I was pressed up between two men, much nearer the pastry-cook's than I was at first; I made an effort to extricate myself, intending to use a good stout stick I had in my hand; I drew it up, and found I could not use it; it was held by somebody behind me; there was a pressure upon it which disabled me; at the same time that I attempted to raise my stick, I felt my watch drawn from out my pocket: I can only say I felt it drawn suddenly in a very few seconds; I made an effort with my left hand to save my watch; and I caught it at the moment it was jerked out of my pocket; and held it with one hand, while some man held the chain on the other.

Was it in fact taken out of your pocket? —Yes; I had it naked in my hand, and some man had hold of the seal; I held it fast; I suppose I caught it at the very instant it came out of my pocket; I am sure I did not secure it till it was out of my pocket; it was separated from my sob, before I secured it again; I cannot say I saw it in the hand of any person; the watch in the scuffle was injured; I pressed into the pastry-cook's shop, as a place of safety; and I was standing at the door of the pastry-cook's; I found myself still pushed by the prisoner and others that I had seen before; and I held up my stick to strike them: I thought it audacious; I saw the people by whom I was surrounded, go off towards the New

Church in a body; and the person I particularly noticed, went last; then I pursued my business: I found I had lost a silk handkerchief and some silver: I do not think the particular man I spoke of, took out the watch, or took the silver and the handkerchief; and going along, I reflected on this transaction: I thought it a great evil, and made up my mind to go and get assistance and take them: I went to get assistance; and going through St. Martin's-court, near a pastry-cook's shop, going to Cranbourn-alley, I saw those very men whom I met in the Strand: I think they were all the men: but this particular man was there likewise: I stopped for a second or two: they were walking to and fro: I perceived that man particularly: they were dressed in blue coats, made me know them again: I then went as fast as I could to Cranbourn-alley, to my friends: I desired them to take a stick a piece, and follow me, for I said I have been stopped in the Strand, and robbed; and knowing where the prisoners are who did it, I am determined fully to do it: the name of one is Mr. Hill; the other is Charles Scott: they are not here: we went to St. Martin's-court: I told them I should point out a particular man, as I was sure of his person: I again saw those men: I pointed out one man: he was about two yards distance: that was the particular man I have described; and I said, that is one of the thieves: that man immediately ran off through the croud, towards St. Martin's-lane: I made the observation quite aloud, that he might hear me: he ran towards St. Martin's-lane: I verily believe he saw me: he looked round, and darted off: I pursued him, and the persons that were with me: I missed him half a minute: then saw him again in Crown-court, and returned into St. Martin's-court again: I saw nothing of him till I came to the broad part of St. Martin's-court: I saw this very man again talking to a great number: they stood very near each other, and appeared to be talking: I took hold of this man's collar, and desired him to come along with me, for he was one of those that stopped me in the Strand:

Strand : he made no answer, but struck me a blow on the face, and knocked me against a stationer's window : at the same time I was assaulted by a great number of sticks, ten or a dozen : they beat me pretty sharply about the arms and shoulders : at the same time I was engaged with that particular man I have described before : at the same time my friends rendered me all the assistance they could, and knocked one or two of these men down, and took one of their sticks : I struck Wallis on the head, and knocked him down : he got up, and essayed to strike me again, and I struck him again on the arm : he then fell on his hands and knees, and crept under a butcher's bulk, and begged I would not strike him again : the patrols came up, and I delivered him to them : he was taken to Sir Sampson's and examined, the next day, and committed.

Court. Who was that one man in particular, that pushed you to the window of the shop ?—The prisoner.

That was the same man you afterwards apprehended in St. Martin's-court ?—Yes.

Had you made any particular observations of him before that time ?—No ; they commenced then.

Did he appear to you at that time, from his general behaviour, to belong to the others that were about you ?—Yes ; he had that appearance all the time.

Can you say whether he was or was not one of them that uttered those words you spoke of ?—I cannot ; but he was the most active person in the transaction, which caught my attention the more.

He was the man that pushed against your left shoulder, and pushed you up against the shop-window ?—Yes ; he was the man ; I have not the slightest doubt about it ; if I had, I would happily decline giving that evidence ; when it first commenced, there was no more than the common lights of the common lamps, when I was first assaulted ; when I was pushed up nearer to the shop of Mr. Golden, a linen-draper, and when my watch was taken out of my pocket, I had still better light from the pastry-cook's shop.

Then the man most active in surrounding you, was the prisoner ?—Yes, he was ; he had a much lighter coloured coat on than any of the rest ; a lightish coloured drab great coat.

Had you any opportunity of observing his countenance by any of those lights ?—I observed his countenance particularly ; he had a round hat ; his hair was black, and tied behind ; that I particularly noticed.

You are sure this was a distinct body of men, to those that were assembled about the pastry-cook's ?—It appeared very clearly so to my mind.

Who was the man that you meant to point out as the person that was loitering at the door of the pastry-cook's ?—That person, to my firm belief, was the prisoner at the bar.

Was the prisoner at the bar the person, whom seeing loitering at the pastry-cook's shop-door, you thought of striking with your stick ?—Yes.

Had you time enough, while you was at the door of the pastry-cook's, to make such observations as to know whether he was the person that first shoved you on the pavement ?—Yes ; I had time enough for that, and light enough for that ; there was a glare of light there ; the prisoner is the man whom I alluded to as one of the thieves ; and he is the man who on hearing that, turned round, looked at me, and ran away.

Is he the very man, whom after you had pursued and lost for a time, you saw again in the same coat ?—Yes, he is the very man.

Is the prisoner the man whom you then took hold of by the collar, and desired him to come along, telling him he was one of those that stopped you in the Strand ?—Yes, I made use of that expression.

Is the prisoner the man that made a blow at your face ?—Yes.

The prisoner was the man that got under the butcher's block ?—Yes ; I believe he gave charge of me.

Now, upon your oath, and considering the serious consequence of the prosecution to the prisoner, have you any doubt ?—

Consistent

Consistent with the duty I owe myself and the public, if I could possibly doubt it, I would express that doubt in favour of the prisoner: the enamel of my watch, I believe, dropped off in consequence of that scuffle.

(The watch produced; the whole of the enamel gone.)

Mr. Garrow, Prisoner's Counsel. I take it, on the out-set, that you mean to convey to my lord and the jury, that you conscientiously believe, without the smallest degree of doubt, that whenever you speak of the man as the particular man, that you mean the prisoner?—I do.

How many minutes might the transaction in the Strand have occupied?—I cannot think of ascertaining the quantity; a very few.

Such as two or three?—More than that; it was a very short time.

And you was as every man in your circumstances must have been, in great confusion?—I was.

No person who was in your company in the Strand, is here to night?—No.

No person who was in the pastry-cook's shop is here?—No.

Your two friends who assisted you to secure the prisoner, are not here?—No.

The only persons who are here, are the two patrols to whom you gave charge of the prisoner, and who gave a charge of you?—Yes.

In St. Martin's-court you observed two or three blue coats?—Several, I did.

My lord asked you a question, which in the course of the examination we had not an answer to; that is, about how long it was before you went to St. Martin's-court?—I rather decline computing the time.

About how long?—I cannot say.

Was it half an hour?—More than that; I suppose it might be three quarters of an hour before I returned to my own house from the pastry-cook's in the Strand.

In the course of that distance you must

have passed and repassed a good many pastry-cook's shops?—Yes.

And of course on a Twelfth Night, you must have passed a good many crowds of persons?—Yes.

On those nights I am told, that wherever there is a particular shew, there are mischievous boys marked in tacking ladies gowns and coats to posts?—That is very well known.

And there are other mischievous things done?—I do not know.

But there is a great throng?—Yes.

I believe that it is a very common thing, I believe it is almost a universal one, for the pastry-cooks to have a constable at the door on such nights?—It is very common.

When you retired to the threshold of this pastry-cook's shop, as a place of safety, you thought the conduct of the prisoner was very audacious?—I did.

Did you make any alarm to the people of the shop, or the constable, or any body else there?—No, I did not.

In your way, in going to your friend's in St. Martin's-court, you saw the same man again?—I did.

How long might it be after you had passed through St. Martin's-court to Cranburn-alley, before you returned?—I ran as fast as I could.

The man escaped, and got clear out of your sight for some minutes?—Yes; and the next place I saw him in, was in this same St. Martin's-court.

How long have you lived in Russell-street?—If you will give me a minute to recollect; I purchased the lease in the month of May, in 1785.

You lived there at the time it was burnt down?—Yes, I did, and lost a great deal of property.

JOHN MILLER *sworn*.

I am a patrol belonging to Sir Sampson Wright's office. Passing through St. Martin's-court on the 6th of January, about eight o'clock, I saw Mr. Hill and the pri-

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soner

soner in a scuffle together ; I took him into custody, and took him to the office.

Mr. Garrow. Was he searched?—Yes ; a pair of gloves and a linen pocket handkerchief was found upon him.

DANIEL M'LAIN *sworn.*

Deposed to the same effect as Miller.

Mr. Garrow to Hill. Whether before the magistrate you did not represent that you had been into the pastry-cook's, and did there say how you had been used?—I did not, upon my oath.

Jury to Patrole. Whether or no Mr. Hill was charged by the prisoner at the same time?—No, my lord, I did not hear it.

To the other Patrole. Did you hear the prisoner charge Hill, the prosecutor, with any thing?—No, nothing at all.

Mr. Hill. When the patrole came up, I desired him in as plain a manner as I could, do you take care of this man, for he has been concerned in robbing me ; and the prisoner said something to this effect, as do you take care of him ; I will not say the words exactly.

Did you hear any specific charge made against you at that time?—No, only what I have said ; but the patrole did not notice it, as the patrole said.

PRISONER'S DEFENCE.

I live in Great Wild-street. I was returning home from Mr. Giblett's, tallow-chandler. Passing through St. Martin's-court, I was beset by Mr. Hill, whom I now recollect, who took me by the collar, and said, you rascal, you shall go with me ; I was very much surprised at such an expression from a strange man, who I never saw ; and he on the instant struck at me with a stick of uncommon size ; I endeavoured to retreat ; and I think as well as I can recollect, it was at that time I received the blow on my arm, which hurt it very much, in defence of my head ; and I struck him, and disengaged myself ; I got from him a few paces, and stood to reflect why he should serve me so ; and I saw a number

of sticks engaged in a quarrel ; and fearing this man might attack me again, whom I did not know, I retreated from the place the other way, not being able to pass that way without being struck ; he pursued me into the broad part of the court ; and somebody struck me on the head with a stick of uncommon size, which knocked me down ; as I lay on the ground, he said, you are one of the thieves which stole my watch ; then I suspected he had an idea that I had stole it ; I got up again, and saw three or four of them coming at me with large bludgeons ; there was a butcher's bench which projected about two feet from the window ; and to preserve myself, I got under the bench, otherwise they would have killed me, I believe ; I told them then, if I had been guilty of any impropriety, to take me to the justice, and not use me so cruel ; I advised them to take me to the justice, which they did ; when we came to Bow-street, Mr. Hill told the clerk I was one of the people who had robbed him of his watch ; I answered, if that is the case, you had better search me ; he said, you know very well you have not got it, but if you had had your desire, you would have got it. Gentlemen of the jury, if I am guilty, I hope God will inspire you to find me so ; but if I am innocent, I hope you will be inspired to find me so : Mr. Giblett would attend here ; he was here yesterday ; he staid here till nine o'clock ; under the pressing necessity of the death of a relation, he could not come to day ; but here is a gentleman here who can tell the time I left his house.

WILLIAM BROGDEN *sworn.*

I am a watch-maker.

Do you know any thing of the prisoner at the bar?—I do, very well.

Did you see any thing of him in the course of last Twelfth Day?—No, Sir, I did not ; I recollect particularly the 6th day of the month ; I was thinking you said the 12th day of the month ; on the 6th of January, I was in company with him at Mr. Giblett's, in Cambridge-street.

What

What is Mr. Giblett?—He is a tallow-chandler; Cambridge-street is in Carnaby-market.

At what time did you first see the prisoner there?—About five, to the best of my recollection; indeed I am sure of it; there was a clock in the room, and I particularly noticed it; Mr. Giblett was in company with me and the prisoner; we had business to transact together; the prisoner continued in Mr. Giblett's house till half past seven; I recollect particularly that, because Mr. Giblett noticed to me and the prisoner, it was near half past seven; that he was going out to supper; we parted at that time, or within a few minutes of the time; I said to Mr. Wallis, as Mr. Giblett is engaged, we will go; we parted at Mr. Giblett's house; the prisoner lived in Wild-street, Lincoln's-inn-fields; I know St. Martin's-court, St. Martin's-lane.

How long would it take a man to walk quietly and leisurely, to St. Martin's-court, from Cambridge-street?

Jury. About ten minutes.

You are quite sure, that from five in the afternoon, of the 6th of January, till half past seven, the prisoner was not out of Mr. Giblett's house?—I am sure of it; he was not absent at all during the whole of the time we were engaged on business.

Never at all out of your sight?—He was not; I have known him above two years in general, a very good character; I never heard to the contrary myself.

Are you quite sure you have not mistaken the day?—I am quite sure.

How soon after this was the prisoner taken into custody?—The next morning; he sent to me, and I particularly recollected that he had been in my company the preceding evening.

Court. Where do you live?—In Stanhope-street, Clare-market.

Where did you understand the prisoner was going when you parted at Mr. Giblett's door?—He did not notice to me, but I understood he was going home.

Which way did he turn?—He turned to the right.

Was that in the prisoner's way home?—I was going a contrary way; and I did conceive he was going the right way home; I was going to Charlotte-street, to supper, myself.

What employment does the prisoner follow?—I have known him in the capacity of an attorney's clerk.

What attorney?—I do not at present recollect; I know he has wrote for attorneys.

Where has he lived during the time you have known him?—I cannot pretend to say, the whole time.

Then you have not been much acquainted with him?—Yes, I have, but not going to his apartments; I have seen him in different companies.

How long has he lived in Wild-street?—To the best of my knowledge, three months; that is the only place I have been acquainted with of his residence.

Then you saw no more of the prisoner that evening?—No.

Now he has lived three months in Wild-street, with whom, and in what house?—To the best of my recollection, it was a corner house; I did call upon him once; in fact, I met him at his own door, the corner of Wild-street; this corner near Duke-street; I saw him passing, at his own door once.

Was you never in his house or his lodgings?—I never was.

Of what sort has been your acquaintance with him these two years past?—I have seen him in different companies, and by that originally I became acquainted with him, in general in very respectable houses, at the King's Arms in Holborn.

On what occasions?—Merely to spend the evening.

By appointment, or how?—Casually.

Which King's Arms in Holborn?—The King's Arms in High Holborn.

How often have you met him there casually?—Three or four times a week; I frequently use the house myself.

Was he never at your house?—Yes; he has called of me, at No. 2, Stanhope-street; I lodge there; I have lodged there three months;

months; I have known the prisoner from having connections in the lottery; he has had connections in the lottery, when not connected with an attorney.

Was that the commencement of your acquaintance with him?—To the best of my recollection, it was.

Explain to us the particular business upon which you was employed at Mr. Giblett's that evening?—It was a lottery transaction.

Describe that transaction?—The prisoner being acquainted with the lottery, it was in point of purchasing shares in the next ensuing English lottery; I recommended Wallis, he having had a connection in the lottery, to Mr. Giblett, and being an acquaintance of his and mine; the whole of the business was not determined that night; but it was to purchase some shares by Wallis, for Mr. Giblett's benefit; I was there about five; Mr. Giblett was at home; I recollected the next day, being the 7th, when the prisoner sent to me; after he was taken into custody, we were asking several questions; but we were not on that all the time; I took particular notice of the time by the clock; and Mr. Giblett pulled out his watch at the time; and there was a clock in the room; it is a back parlour.

What sort of a clock is it?—I cannot describe it particularly; it is a high clock, about five feet high.

Which side of the room does it stand in?—It stands fronting the door.

And during all that time, you swear the prisoner was never out of the room, from five to half past seven?—I am perfectly sure of that, not only from the clock, but the watch.

Are you a master watch-maker?—No.

Did you relate this to the magistrates at Bow-street?—I did not receive his note till after the examination; he was at the Brown Bear when I saw him; according to the best of my recollection, it might be eleven in the morning; the examination was over; I was out when the letter came.

Have you that letter here?—No, I have

not; I had seen him in Mr. Giblett's company before; I have been acquainted with Mr. Giblett two years; I saw Mr. Giblett on Thursday; he was in preparation to appear here; and on Friday, by the messenger of Wallis, I understood that a friend of his was dead, and he was obliged to go into the country; but I do not know where he is now.

JAMES SULLIVAN *sworn.*

I keep an eating-house in Cross-lane, Holborn. I have known the prisoner about five years, a most just and respectable character; a very unspotted character, he has borne ever since I knew him, during the whole five years.

Court. What has been his employment?—A lawyer's clerk; I cannot tell to who; and he has been a clerk to a licenced lottery-office; and during the recess of the lottery, he has been clerk to the lawyers; he has lived in Great Wild-street the latter part, I think about eighteen months.

With whom?—With his father; his father is a shoe-maker.

The prisoner called three more witnesses who gave him an exceeding good character.

Court to Mr. Brogden. During this time, from five to half past seven, what had you to eat and drink?—We had some brandy and water.

Who supplied you with that?—A servant of Mr. Giblett's.

Had you any more than yourselves?—No, no other person that night.

Who let you out when you went out of the shop?—We let ourselves out; the shop was not shut up; the door was on the latch.

Court to Mr. Hill. As I understood you, it could not be later than seven?—According to my apprehension, I think it was about seven; I generally drink tea about six; and I waited a little time, and I set out; I apprehend it must be near seven; I did not look at my watch, or any thing of the kind.

Fury.

Fury to Miller. What time did you take up the prisoner?—About eight?

GUILTY, Death. (Aged 21.)

Tried by the second Middlesex Jury before Mr. Baron THOMPSON.

Prosecutor. Gentlemen of the Jury; when I first embarked in the apprehension of this man, it was impossible for me to tell, nor did I think, it would lead to such consequences; if you can find in your breasts to mitigate his punishment short of death, I most earnestly intreat you will spare his life.

Fury. My Lord, under the circumstances of this case, the Jury desire to recommend him to mercy.

Court. Please to state the grounds.—He is a young man, and may be a useful member of society yet, notwithstanding he has been engaged in such practices as convince us of his guilt; but we hope his future life will atone for his past folly.

83. JOHN RANDALL was indicted for feloniously and burglariously breaking and entering the house of George Delphire, about the hour of ten at night, on the 8th of January, and burglariously stealing therein two cotton stockings, value 4d. a child's petticoat, value 2d. nine muslin handkerchiefs, value 2s. six caps, value 10d. and a yard of linen cloth, value 2s. the goods and chattels of the said George Delphire.

SARAH DELPHIRE *sworn.*

My husband's name is George Delphire; my husband is a gentleman's valet; Mr. Platt, he lives in Sloane-street: I live at No. 32, Market-lane, St. James's: about a quarter past ten, January the 8th, I was sitting in the room underneath the parlour, in the kitchen; I thought I heard the parlour-window open; I spoke to the servant girl that lives with me.

You say you heard the parlour-window open, are you sure it was down; how was

NUMB. II. PART II.

it fastened, was it bolted?—I cannot say whether it was bolted, I am sure it was down.

How long had you seen it before?—At about a quarter before nine that night.

Fury. Did you shut it down then?—I did not then shut it down, I do not believe it was up all that day; but I am certain it was down then, for I shut the shutters myself.

Court. Was it possible for any body to come in and open it; had your servant been in?—She had been in with two children, to put them to bed; I heard a noise of the sash lifting up, and I told her to go up stairs and shut the doors, which I will explain to you what I mean; I keep a milk-cellar, and for the conveniency of my kitchen, I have a door made out in the street; on going out at the street-door, she saw the prisoner jump out of the window, and she called out very loud, and I came up stairs and saw the parlour window open, and a number of my things, which I have here, laying across the window, and before the window; they were dropped from the drawers, where he had taken them, across the seat that he had got out of, it is not properly a seat, but across the bottom of the window; it hurt me so much, that it rather made me faint away; I did not see this person come out of the window, I saw him at the watch-house.

(The property produced, and deposited in.)

What age are your children that sleep in that room?—One is not three till next month, and the other is two years old next April.

ELIZABETH MORRIS *sworn.*

I was going to the street-door, to shut up the milk-cellar door, and saw the prisoner at the bar jump out of the parlour-window; I immediately called out for my mistress, and called stop thief; and rather lost sight of him as I pursued him, being frightened; but when two or three people had got about him, I got up to him, and said, this is the man; he had ran about

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seven

seven or eight doors the side of the way; he was stopped by John White, and the watchman took him to the watch-house, but first he brought him to our door; I am sure that he is the man, by his height and dress, that jumped from the window; when he was taken to the watch-house, a petticoat and a pair of stockings were found on him.

Prisoner. Was I brought back to the house?—He was brought back by the watchman.

Prisoner. I never was brought down the street after they stopped me.

JOHN WHITE *sworn.*

I am a poulterer; I live in St. James's-market; I was standing in my shop, which is in St. James's-market, it stands rather in the street, being at the outside of the market, and I heard the cry of stop thief! it was between ten and eleven, as nigh as I can guess; I saw the prisoner running, and I ran across the road and laid hold of him; I saw no one before him at all.

How far was this from the house of Mrs. Delphire?—About fifty yards, I think; I gave him into the hands of John Smith, a watchman; I went to the woman's apartments, and saw some things lay on the ground; they lay pretty well all of a heap, what I saw of them; I know no more; the man was taken to the watch-house by John Smith; I am sure that is the man.

Prisoner. I would wish to ask whether I was carried back to the house?—He was taken back to the door.

JOHN SMITH *sworn.*

I am a watchman, in Market-street; I was on my stand, on the 8th of January, between ten and eleven, and heard the cry of stop thief! when I came up, I found one Mr. White, a butcher in the market, had stopped the prisoner, and he gave him up to me, and I brought him to the watch-house, and delivered him up to the constable of the night.

Did you take him to the house?—I took him back, to see what was the matter; and

when I found it was for theft, I brought him to the watch-house.

DAVID MILES *sworn.*

I am the constable of the night for St. James's parish; I was at the watch-house on the 8th of January, and between ten and eleven the prisoner was brought to the watch-house, charged with jumping out of a parlour-window; I searched the prisoner, and found in his right-hand jacket pocket two odd stockings and a child's petticoat; I have had them in my possession ever since.

(*Produced, and deposited to by Mrs. Delphire.*)

LEONARD BAILY *sworn.*

I am a coach-harness-maker: about a quarter of an hour after ten I picked up two handkerchiefs close under the window where this man might have dropped them.

PRISONER'S DEFENCE.

My wife and I went out together to market, to buy a joint of meat for supper; an acquaintance of mine was to come to supper; and as it was growing late, and our house being shut up every night a little after ten, I went down to the bottom of the lane, to see if he was there; he was not there; I went to desire him to make haste to come: coming up the lane, and making haste, I picked up these two things lying in the street; and then, just when I came to the corner, they called out, stop thief! and took me.

Court to Elizabeth Morris. You had put the children to-bed that night, had you opened the window that night?—I had not.

Was you the last in that room?—I was the last in the room after my mistress had been in, which was a quarter before nine.

Are you sure that the window was down?—I am very sure.

When was you last in it?—I was in it about nine, or a little after.

Jury. Are the shutters outside, or within?—Outside.

Were they put to?—They were.

WILLIAM

WILLIAM DANIEL sworn.

I am an harpooner, belonging to a Greenlandman; I live in the house of Mr. Randall, the prisoner's father, No. 33, White-horse-street, Stepney; I have known the prisoner better than these three years; I never found any thing amiss in regard to his character; he followed his business as he ought to do; he is a waterman; he plied, when I first of all knew him, at East-lane.

How long is that ago?—About fourteen months.

Have you known where he hath plied for this last fourteen months?—I do not.

GUILTY, Death. (Aged 31.)

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

84. **THOMAS HERBERT** was indicted for feloniously and burglariously breaking and entering the dwelling-house of John Macgauran and Dennis Doland, between the hours of twelve and two, at night, on the 17th of September, and feloniously stealing therein one brass candlestick, value 2s. and five other candlesticks made of Prince's-metal, value 10s. their property.

DENNIS DOLAND sworn.

I live in Oxford-street; I am an ironmonger there; my partner's name is John Macgauran; we live in the same house: on the 18th of December, about one in the morning, I was disturbed out of my sleep by knocking and ringing; I saw a parcel of people in the street from the window, and understood my shop was broke open.

In what manner?—I found a pane of glass broke, one shutter down, two hanging, and five or six candlesticks gone off the window.

How was it broke, by wrenching the shutters down of the shop?—One quite down, two more hanging.

It must require a degree of force to do this?—It must be force.

Have you a locking-bar that goes across?

—Yes, there is a bar that goes across, and these shutters had no bearing upon that bar, so they slipt it down, and broke the glass, and stripped the shelf as far on each side as they could reach.

Was there more than one pane broke?—No more than one.

What was taken out?—About seven pair of candlesticks; I cannot exactly say; there may be five or six pair of brass candlesticks, and a Prince's-metal candlestick, which is brass and copper with the metal; I inquired if they had taken any body; they said Mr. Hill, the constable, had taken one.

Had you seen the shutters that night?—I did not go outside, but I had seen that it was safe.

Was a pane of glass broke?—No; the pane of glass was whole.

What hour was it you saw it last?—About ten o'clock.

The window was not broke at ten o'clock, and the shutters to all appearance were up clear and right?—Yes.

Then the shutters could not fall by accident?—They could not.

You did not observe whether there was any mark of a crow, or any thing that had wrenched it?—I did not observe.

Mr. Knowlys, Prisoner's Counsel. I understand your partner's name is Macgauran, hath no one got any share in the business besides?—None.

You live in the house?—There are two houses, one lease; the one I live in, and he lives in the other.

Are your houses so circumstanced, that only one house has an opening into the shop?—Both have it; there is a party-wall between both houses, but there is an entrance from each house into the shop.

Do you pay your rent separately?—No, we do not.

Where was Mr. Macgauran at that time?—He sometimes sleeps at a lodging, he has in the country; he has not good health.

Who arranged the goods in the window that day?—I do not know that any were put in that day; but they are cleaned once a week, and when there is a pair fold, they are replaced.

Will

Will you take upon yourself to say, that there were candlesticks in the reach of this pane of glass?—There certainly were.

Court. Mr. Macgauran's servants sleep in that part of the house?—Yes, they do.

He sometimes sleeps in the country, and sometimes in town there?—Yes, he does.

JOHN RUSSELL *sworn.*

I am porter to Messrs. Doland and Macgauran; I shut up the shutters, and left them all safe, about nine o'clock in the evening.

The windows were all safe, and the glass was not broke?—No, none.

How were they next day?—The shutters were all safe put up again when I came; I do not sleep in the house; my master put them up.

JOHN HILL *sworn.*

I live just by Mr. Doland, in the same street: as I was at the watch-house, and being fine, I walked down the street, a little below Mr. Doland's house, to my own house, and came back again: when I walked down first, every thing was safe; I returned again in about a quarter of an hour; the first time I came out about half past twelve; in returning back, just before I came to Mr. Doland's shop, I met a man; I had a suspicion of him, that he was a thief, and thought he had got something more than he should; I looked him hard in the face, and let him pass; when I came up to Mr. Doland's house, there was a man stood at the shutters, facing the window; I saw one of the shutters taken out, and set on the ground; the bar goes about the bottom of the shutters, and by one shutter being taken out, two others were bent back; I was just going to say to myself, what was the matter, when I saw the man put his hand into the window, and pull out the candlestick; the man is the prisoner at the bar; as he pulled it out, I took hold of his collar, and he dropped the candlestick; and I took him into custody, and called the watch; when the watchman came, I picked up the candlestick, and knocked at the door.

Did you observe whether the shutters were forced by a crow or chissel?—I did

not examine the shutters after I had got him.

Mr. Knowlys. Did you search this lad?—Yes, at the watch-house.

You found no crow, or any thing of that sort?—No.

You said you saw the shutter taken out, and put on the ground; you did not see this man do it?—I did not.

There was some person gone by that excited your suspicion?—There was.

You did not see the window broke?—I did not.

This man was taking the opportunity of that circumstance, of the window being down, and the glass being broke?—He was, certainly.

You did not find any instrument about him that would enable him to do this?—I did not.

(The candlestick produced, and deposed to.)

Court to Prosecutor. Was that candlestick in your shop the preceding day?—I cannot say that.

(The prisoner called William Parker, who lived in Brewer-street, Golden-square, with whom the prisoner and his father had lodged a year and a half, who gave both a very good character: the prisoner is a postillion, and lived with the Duke of Chandos till his death: he never knew him to be out a night in his life.)

JOHN ALLEN *sworn.*

I live in James-street, Grosvenor-square; I am a cordwainer; I have known the prisoner three or four years; he always bore a very good character for honesty; he got his living working among the horses.

THOMAS GOLDING *sworn.*

I live in James-street, Grosvenor-square, No. 28; I have known the prisoner four years; he always bore a very good character; I never heard any fault since the time I knew him.

GUILTY, Death. (Aged 18.)

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

85. ELIZABETH PROCTOR was indicted for stealing, on the 6th of January, a pair of iron chains, value 4s. and some other things, the property of John Marsh.

(Some of the things were found in the prisoner's apron, and some under a tree; and she said she sat under the tree, while a man went and fetched the things.)

GUILTY.

Privately whipped, and imprisoned 6 months.

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

86. LEWIS DURANT was indicted for stealing three men's hats, and a woman's hat, the property of Laurence Sawtell.

LAURENCE SAWTELL sworn.

On the 4th of January last, I lost four hats; the man that had got them, which is the prisoner at the bar, was pursued and brought back with the hats.

Mrs. SAWTELL sworn:

I am wife of Laurence Sawtell: on the 4th of January last, about ten o'clock, I was alarmed by seeing a man go out of the shop with the men's hats under his arm; I pursued the man down Smart's buildings, and cried stop thief! he turned down a coal-yard, by which I lost sight of him; but I believe it was the same man which was brought back, both by his size and his appearance.

WILLIAM WILLSON sworn.

I am a shoemaker; I live in Butcher-row, East-Smithfield; I work at a stall under Mr. Slack's shop, in Smart's buildings; hearing the cry of stop thief! I looked up, and saw the prisoner pass my shop; I ran after him and caught him in a coal-yard, and took these four hats from under his left arm; I took him to the watch-house, and gave the hats to Mr. Sawtell.

NUMB. II. PART II.

Prisoner. I do not know you; I was at work that day; I am a furrier.

Court to Willson. Are you sure that is the man?—I am.

CHARLES MORGAN sworn.

I keep the round-house; these hats were brought to the watch-house, and marked.

(The hats produced, and deposited to.)

Court to Mr. Sawtell. Where were the hats that day?—On that morning the hats were in the shop, close by the parlour-door.

PRISONER'S DEFENCE.

I know nothing of these people; they accuse me falsely.

GUILTY.

Whipped.

Tried by a foreign Jury before Mr. COMMON SERJEANT.

87. ISAAC GILL was indicted for feloniously stealing, on the 8th of January, two pair of thread stockings, value 6d. and 24 lb. weight of lead, value 4s. the goods of Lancelot Burton.

LANCELOT BURTON sworn.

I live in the Strand; the prisoner at the bar was my yearly servant, and had lived with me three years.

When did you miss the lead?—I did not miss it till one of the officers at the Public-office came to me and told me that there was a person of the name of Isaac Gill taken up with some lead; I then examined, and found I had lost some; I saw the lead at the office, and had seen it three or four days before; it is a leaden sink, my property; and the stockings also.

GEORGE ZEAL sworn.

I produce a leaden sink, which I took from the prisoner, the 8th of this month; going up Oxford-street, between seven and eight o'clock in the evening; he had it in a basket, at his back; he went into an iron

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shop

shop with it, and I stopped at the door some little time, and heard some talk about buying of it; as he was coming out, I asked him what he had got in his basket; he said, nothing for me; I told him I would see what it was; I looked, and saw it was this lead; he said he brought it from Marybone; I told him I was afraid he did not come by it honestly, and I should take him to the office; he owned, afterwards, that he had brought it from Marybone, it being some lead with which he was intrusted by Mr. Burton: I found the key of his box, and searched it, and found two thread pair of

stockings; they have all been in my custody ever since.

Where was that old-iron shop?—In Oxford-street; it was a new man, that had not been in the shop long; he refused, I fancy, buying it.

GUILTY, (Aged 33.)

Whipped, and imprisoned six months in the house of correction.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

M I S D E M E A N O R S.

88. **GEORGE SMITHSON** was indicted for, that he, on the 19th of July, did utter a counterfeit shilling to Henry Croker, knowing it to be counterfeit.

And a second Count. For uttering another counterfeit shilling, ten days afterwards, to the said Henry Croker, knowing it to be counterfeit.

(The indictment was opened by Mr. Reeves, and the case by Mr. Fielding.)

HENRY CROKER sworn.

I am one of the conductors, on the part of the patrol, under the direction of Sir Sampson Wright: on the 19th of July last, at about half past seven at night, I saw the prisoner at the Swan with two Necks, Lad-lane, where he was in the capacity of a waiter; I was desired to go there in consequence of something which had passed; I called for sixpennyworth of brandy and water, and it was brought to me; I will not be positive whether this was the waiter brought it to me or not: I sat there some

time after the brandy and water was brought to me: when I went into the room, I met two people coming out of the room; whether they were the people belonging to the house I cannot tell, but I sat there some time, and could see nobody, nor any of the waiters: after some time, I saw this person come to a cupboard; whether he took anything out or put any thing in I am not positive; I then asked him for change for half-a-guinea, and to take the sixpennyworth of brandy and water; he went and brought my change for half-a-guinea, taking the sixpennyworth out of it; in this change he gave me two bad sixpences, two shillings, and a half-crown piece: I sat there for some time after that, not having an opportunity of seeing him come back again: it is a dark coffee-room: I sat longer, and had threepennyworth of brandy and water more; I gave him sixpence, and he gave me threepence.

Had you any altercation about this money with him?—I had.

Where did he take it from?—I do not know.

know. On the 22^d I went again, merely because I would be satisfied of the plan; I got there nearly about half past six in the evening; when I went, I called for a glass of Holland's; I had it; another waiter brought it to me; I then called for some tea; and in the course of that time this waiter came; I had some other liquor after, and my reckoning came to, one and eight-pence; it was near eight o'clock when I called for it; I gave this man half-a-guinea to change; I laid two on the table, and told him they were weight, but he would take which he chose; he said it was immaterial which, it was not much consequence; he took the change out of his waistcoat-pocket; he gave me my full change, and I gave him back 1s. 10d.; 8s. 8d. for the reckoning, and 2d. for himself, and I came away; at that time he gave me three bad shillings, and four bad sixpences; I only informed Mr. Clarke of it; I did not apprehend him; Mr. Townsend apprehended him.

Mr. Garrow, Prisoner's Counsel. You did not, on either of the occasions, object to any of the money?—Yes, I beg your pardon, I objected to a French half-crown, and he changed that.

Was the second time as dark as the first?

—No, it was not; it was an hour sooner.

And later in the year?—Yes.

This man was indicted in September sessions?—Yes.

And he came to be tried in October sessions, but the bill of indictment was thrown out; and in December sessions you preferred a new bill against him; the first bill was for uttering to you and others, I believe; do you know how many under-waiters there are at this house?—I do not know; I saw two; one was a waiter; I do not know as to the other.

JOHN TOWNSEND *sworn.*

On Friday, the 23^d of July, I went to the Swan with Two Necks, Lad-lane, in company with Key and Williams; we called the prisoner out, and took him into a room just by, and I searched him, and took him

into custody; in one of his breeches pockets I found a bad half-crown, in one of his waistcoat pockets two bad shillings, and in the other waistcoat pocket some good and some bad, two bad shillings and ten bad sixpences mixed with twelve good shillings and five good sixpences; we took him to Wood-street compter.

Mr. CLARKE sworn.

All the money shewn me is bad; I have seen them before by day-light.

GUILTY on both Counts.

Twelve months imprisonment, and to find two years security.

Tried by the London Jury before

Mr. COMMON SERJEANT.

89. THOMAS BROMWELL was indicted for feloniously stealing, on the 25th of September, five pair of leather shoes, value 15s. the goods of Thomas Cartwright, privately in his shop.

THOMAS CARTWRIGHT *sworn.*

I live at No. 107, High Holborn; I keep a shoe-warehouse: the prisoner at the bar was a journeyman hair-dresser, servant to Mr. Combs, hair-dresser, in Wharton's-court, whom I employ as a hair-dresser; this man has come backwards and forwards, to dress my hair, till the 12th instant, when about three o'clock in the afternoon, Mr. Comb, his master, came to my shop, and called me into the parlour on one side, and gave me some information which led me to Mr. Notley's, the pawnbroker's, in Leather-lane: when I got there, the prisoner was there; at which place I found five-and-twenty pair of men's shoes, my property; we took the prisoner before a justice, and he was committed: he declared, at the justice's, that he had taken them two or three pair at a time: I have found a dozen pair at another pawnbroker's since.

Mr.

Mr. Knowlys, Prisoner's Counsel. Have you any body concerned in the business but yourself?—No.

How many persons do you employ in the shop?—Nobody but myself and my brother, and now and then my wife, perhaps of a Saturday night.

This man had dressed your hair for some time, and you never suspected him?—I never suspected him; I suspected an innocent person.

Had you missed any at any particular time when this man had been with you?—I have missed for some time, but at no particular time.

JOSEPH NOTLEY sworn.

The prisoner at the bar has brought at different times five and twenty pair of shoes to me; I am sure as to the man, (*The shoes produced and deposed to.*) The last time he came with four pair, and I stopped him.

How came you to take so many pair in of this man?—He had the appearance of a hair-dresser; and he said at first bringing of the shoes, that he dressed two gentlemen who were partners in a shoe-ware-house, and that they always paid him in goods, and that was how he came by them.

Do not you know that you ought to put down the name of the owner?—He pledged them as his own property, and said he was a master hair-dresser, and that he lived in Slop-alley, in Holborn; I had confidence in what he said.

Court. Great confidence indeed you gentlemen must have, to suffer a man to come with five and twenty pair of shoes, from September to January?—I did not know I had so many; and seeing I had so many, made me make farther enquiry.

Mr. Knowlys. What did you lend on each of these five pair mentioned in the indictment?—I lent three shillings on each pair.

Court to Cartwright. What are they worth?—I sell them for five and six-pence a pair; they are worth to the trade about four and ten-pence.

The prisoner called nine witnesses who gave him a good character.

GUILTY to the value of 4s. 10d. only.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

90. **JAMES MAC CORMIC** was indicted for stealing, on the 11th of January, two pewter pint pots, value 16d. the goods of Lewis Rotely.

LEWIS ROTELY sworn.

I live in New Belton-street, St. Giles in the fields, at the sign of the Guy Earl of Warwick. The prisoner at the bar has used my house about two months; from the 1st of December, to the 9th of January, I lost about seven dozen of pots; on the 11th of this month, the prisoner at the bar came to my house and had two pints of beer; my wife told me she had a great suspicion of this man, and took him to be the pot-stealer: one William Eagle who set in the tap-room, likewise came to me and told me he saw that man put a pint pot into his pocket, and take it out again; I went to the prisoner, and said, you seem to sit very uneasy? oh, says he, I am very bad; says I, you have got the pils; says he, very bad; he paid me for the two pints of beer, and a glass of gin; and on his going out, I followed him; he ran up Vinegar-yard; and when I got up to him, I said, my friend, I think you have got more tin in your pocket than you ought to have; I saw a pot under his coat, and seized it, and his coat tore with the pot; and I took him by the collar to the justice; and there was this other pot taken from him.

Prisoner. I was in liquor, and know nothing at all about it. *Court to Rotely.* Was he in liquor?—No; he was sober.

PRISONER'S

PRISONER's DEFENCE.

This man came up to me, and took hold of my coat, and a pot came out with the piece; says I to him, if there is one on one side, perhaps there is another on the other side; I clapped my hand on the other side, and found another; I know no more about the pot being in my pocket than you do.

GUILTY (aged 64.)

Publicly whipped, and three months imprisonment in Newgate.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

and there was the two sheets taken out of the bed where he had slept.

CHARLES NORMAN *sworn.*

I produce the sheets.

(Deposed to by Mrs. Purser.)

Prisoner. I leave it to the jury, please your honour.

GUILTY (aged 40.)

Publicly whipped, and confined six months in the house of correction.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

91. JOHN HOW was indicted for stealing, on the 26th of December, a pair of linen sheets, value 10s. the goods of John Purser.

MARY PURSER *sworn.*

I am wife of John Purser; my husband is an inn-holder; he lives in Whitechapel, and keeps the Talbot. On the 25th day of December, the prisoner at the bar came and asked for a lodging, as he said he had just come from Warwickshire; we let him have it; when he came over night, he brought a bundle; the next morning he got up between seven and eight; my husband met him on the stairs; and on his going out, my husband thought his bundle larger than it was the over night; the maid came down and said the sheets were gone; and John Ginkel, the postillion, pursued him, and brought him back with the bundle under his arm.

JOHN GINGEL *sworn.*

I am a postillion at Mr. Purser's. In consequence of the sheets being missed, I pursued the prisoner, and brought him back with the bundle under his arm; the bundle was laid down in the tap-room, till the runner, Charles Norman, was sent for, when the bundle and prisoner were taken to the justice's, when the bundle was opened,

92. SARAH MILLS was indicted for stealing, on the 15th of December, one guinea and a half in gold, and four and sixpence in silver, the monies of Henry Bailey.

HENRY BAILEY *sworn.*

I am a captain of marines, on half pay. On Wednesday, the 15th of December, as I was returning home between twelve and one in the morning; I live in Westminster; I stopped at Ely-court; I was seized round the body by the prisoner, who at the same time made use of a very wicked expression, too bad to mention here, and almost at the same moment put her left hand into my left breeches pocket; and I felt her take the money out of my pocket; she took, as near as I can guess, about a guinea and a half in gold, and four and sixpence in silver.

Was you quite sober?—I was perfectly sober, and could give a sufficient reason for being out at that time, if it was required; when I found that her hand was going out of my pocket, and that she had robbed me, I laid hold of her, and said, you have robbed me: and she laid hold of my hand in such a manner, that I thought she had broke it; indeed I thought it was a man instead of a woman; she said, if I called out, or made the least noise, she would cut my throat, and swear I was a sodomite; she

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shoved

shoved the money out of her left hand into her right, for I heard it make a noise, and put it into her right hand pocket, and was making a noise with it in her pocket, as if to see if there was any gold amongst the silver, for about a minute or a minute and a half; I stopped, and she asked me what I stopped there for; I told her I would not leave her till she went with me; at last she went with me; I then brought her near that part of the court near St. Margaret's Church; and there was no watch there; I then took her to the other, and there was a watch; when she was taken to the watch-house, as soon as I gave the charge, she was searched; there was four and six-pence found in her pocket, and two bad six-pences; but the gold was gone; I am certain this is the woman, and I had the gold about me; I had seen it about twelve minutes before; when she was taken before the magistrate, she sent me word, if I would not appear and prosecute her, she would give me a guinea.

Prisoner. He offered me five shillings, and insisted on my going to drink with him? —I did not offer any thing.

PRISONER'S DEFENCE.

I was coming from St. James's-street; I am a widow; and since my husband has been dead, I have been obliged to go into the street; I had occasion to call at the Rose and Crown; I wanted to see one of the Duke of York's servants; when I came out, this gentleman put his hand round me, and asked me if I would go home? he said, if I would take him home with me, he would give me a crown; I said, I could not; and I told him I would not stop out; he said, over and over again, he would give me a crown; walking on, the watchman asked him what business he had with me, as he knew by the manner of it, I was nothing to him; he abused the watchman, and told him that I was his wife; we went into a place where the prisoners come to Westminster-hall to be tried; he stopped there; he then said the house was shut up, but if I would stop there and oblige him, he would

give me a crown; I stopped with him, and he behaved so indecent, that I cannot express; who called the watch, I cannot tell; but when the watch came, he laid hold of me, and said I had robbed him of a guinea and two shillings; and that I had attempted to cut his throat; when I came to be examined, he desired me to be stripped stark naked; he said he had lost seven and thirty shillings; my money was put on the table; I had a South-sea shilling in my pocket; he claimed it, and said it was his, which he would be on his oath he had received in Hedge-lane; he then said that I threatened to cut his throat; and if I did not return him his money, he would hang me if I had forty necks.

JAMES CHETWIN *sworn.*

I am a watchman. My beat is in Prince's-street, Westminster. About one o'clock on the 16th of December, I heard somebody call watch; I went, and perceived it was Mr. Bailey; he said, this woman has robbed me of two guineas, and I must take charge of her; accordingly I did; she said that she did not touch his pocket, but he had offered her five shillings to buy her, but she had refused; I took her to the watch-house, and delivered my charge to the constable, who searched her.

Prisoner. Watchman, you know that Mr. Bailey said he would hang me if I had forty necks, if it was only for the reward? —I know you said you had two bad six-pences; that is all I know about it.

GUILTY (aged 31)

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. COMMON SERJEANT.*

93. **RICHARD NOAH** was indicted for feloniously stealing, on the 11th of December, two linen sheets, value 15d. and one woollen blanket, value 6d. the goods of Samuel Neffy.

SARAH

SARAH HOWARD *sworn.*

I live on Saffron-hill, Red-lion-court. I gather rents for an old gentleman, Samuel Nessy. I let that man a room on the 6th of December, on Monday; he had the key of me, and lay there that night; I believe, on the Saturday following, he went away; on Tuesday, two days afterwards, a person came and asked me if I was robbed; I said, at first, I did not know; but afterwards I recollected; and he told me that a person was stopped with some sheets and a blanket, in Whitechapel, and ordered me to come to the rotation-office, which I did, and saw them.

Are you sure as to the man?—Yes, I am.

Are you sure as to the blankets and sheets?—Yes, I am; they are marked with paint.

JOSEPH NASH *sworn.*

I am an officer belonging to the rotation-office in Whitechapel. I apprehended the prisoner with these sheets and blanket upon him; he said he brought them from home; upon examining the sheets, I saw the prosecutor's name upon them; I secured the prisoner, and sent for the prosecutrix.

PRISONER'S DEFENCE.

The woman that lives with me took them out of the room; I met her, and asked her where she was going? she said, to pawn them; so I took them from her, to carry them home.

GUILTY (aged 35)

Whipped.

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

94. **SARAH MELLOWS** was indicted for feloniously stealing, on the 18th of December, two pair of silk stockings, value 4s. two mullin gowns, value 15s. two mullin aprons, value 6s. two pieces of point lace, value 2s. a cambrick handkerchief, value

2s. six yards of fash ribbon, value 2s. the goods of ——— Pybus.

PYBUS *sworn.*

I am a banker; I live in Bond-street. The prisoner was house-maid in my family, at Lee, in Kent: on my wife's being excessively ill, I was obliged to be at Bath; on her return, the 7th of December, she was confined again to her bed for ten days; and during her confinement, the prisoner sat up with her occasionally; when she recovered, she gave the prisoner leave to go out one evening; and she did not return till the next day, and then was brought home by her husband, who is my man; this caused Mrs. Pybus to dismiss her the service, on the 1st of January; a few days after which, she came to see her husband at my house; I suspected something, and wrote a note to Sir Sampson Wright, to request him to send one of the officers of Bow-street, to be with me the next morning; he came, and found some duplicates on her; one of them was belonging to Pain, in Wardour-street; and the pawn-broker saw the stockings belonging to Mrs. Pybus, marked A. P.; we went then to her apartments in Heydon-street, and there we found some other articles; from there we carried her to Bow-street.

SAMUEL HINT *sworn.*

I am Servant to Mr. Pain, pawn-broker, Wardour-street, No. 95; the prisoner at the bar is the person I took these stockings of on the 18th of December, 1796, No. 4, Noble-street, in the name of Mary Peters; I am confident she is the woman.

Are they new?—No.

What did you lend upon them?—Two and six-pence; she asked no more.

MOSES MORANT *sworn.*

I am a Bow-street officer. On the 11th of this month, I saw the prisoner at the bar at Mr. Pybus's, from whence I took her to her lodgings, and had the key of her box, and found these things in her box.

(The

(The things produced and deposed to by Catherine Wilkins, Mr. Pybus's servant.)

PRISONER'S DEFENCE.

I did not take them for the purpose of stealing, but for the sake of washing them out of the starch.

GUILTY.

Privately Whipped.

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

95. JANE BURN and MARY VALLENS were indicted for stealing, on the 17th of December, six yards of black lace, value 15s. the goods of Joseph Slack.

JOSEPH SLACK sworn.

I am a haberdasher, in Oxford-street. On the 17th of December, in the morning, my boy was taking down the shutters, and cracked one of the squares of the window; about four o'clock in the afternoon, I was up at dinner, and had left the shopman in the shop; I believe, he in the mean time went into the back shop; and I came down to send him to dinner; and I saw from the middle of the stairs, these two women standing in the street, with their heads quite close to the window; I stood for half a minute on the stairs, and they were still looking, when Vallens, who had a large red cloak on, put her arm into the window as far as she could reach, and took out a card of lace which was laying in the window; there is a shew-board, and it was at the extremity of that board: Burn stood so, that no person coming up the street could see her; there was very few people passing, as it rained hard; I ran down the stairs, and after her; she was about five yards from the place; she put it under her cloak, and put her left hand upon it; I ran after her, and took hold of her; Vallens ran off; and I

took her as quick as I could; the other crossed the road, and came down the other side of the way; when she had got opposite me, I took the other over to her, but could not keep both; a coachman then drew up; the big one was then put in, and then the other; I let go the little one, and ran after the big one; the coachman held one. (*The lace produced, and sworn to.*) The window was broke about eight o'clock, only cracked, not broke out; I am sure these are the women.

PRISONER VALLENS'S DEFENCE.

My husband gets his bread in the street; he sells all kind of things, as fruit, &c.; I was going to Oxford Market to buy a bit of meat; there was a great croud, and I stopped; that gentleman laid hold of me, and put me in a coach; he told me he had lost fifteen pounds worth of things; and after I was in the coach twenty minutes, the other woman was put in; he said, I should be the woman that should suffer for all. I have some witnesses.

Slack. Some of the neighbours examined the glass, and gave their opinion it was cut with a diamond.

Vallens. The gentleman has been tried here himself, by all account.

Vallens called one witness who gave her a good character.

JANE BURN'S DEFENCE.

I am a widow: I have three children; the eldest eleven; he happened to break his leg, and is in the Middlesex Hospital; I was going to see him; I came down Oxford-street; I stopped and bought a comb; and that gentlemen laid hold of me, and put me into a coach; I asked for what? he said he was robbed, and I was the woman; and I was carried to gaol, where I have remained ever since.

Slack. I was full a minute upon the stairs; I swear to the women; they were never out of my sight; I was particularly careful.

Burn.

Burn. He let me go for a quarter of an hour.

JANE BURN, NOT GUILTY.

MARY VALLENS, GUILTY.

Privately Whipped.

*Tried by the second Middlesex Jury before
Mr. COMMON SERJEANT.*

96. THOMAS LEWIS and JACOB SMITH were indicted for feloniously stealing, on the 12th of January last, six pounds weight of hyson tea, value 20s. six pounds weight of raisins, value 20d. and half a pound of almonds, value 15s. four shirts, value 20s. a pair of thread stockings, value 2s. the property of John Millan.

WILLIAM FREWEN *sworn.*

I am a tea-dealer and grocer in St. George's Fields. I packed this basket of grocery, on Tuesday, the 11th of January, directed to T. Frewen, Windsor, by the waggon.

THOMAS SLATER *sworn.*

I am a clerk to the waggon, and book-keeper, at the Bull and Mouth inn. On Tuesday, the 11th of January, I remember receiving a basket for the waggon, directed to T. Frewen, Windsor, to go by Smith's Windsor waggon, on Saturday next; it was deposited in the waggon warehouse: I know nothing of the prisoners.

GEORGE KING *sworn.*

I am a waggoner at the Castle and Falcon, Aldersgate-street. I remember seeing the two prisoners coming just out of the back door of my house; I heard a conversation between them; they appeared to be coming out of the Castle and Falcon yard; the only conversation I heard, was, the man in the blue coat said to the other with the basket on his back (that is Smith) you took notice that I paid you fore-handed; that was repeated twice or thrice before

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they came out of the gateway; and I mentioned it to my servants; it was a basket similar to that; it was half past two.

ROBERT BELL *sworn.*

I was a constable the last year: there is a man of the name of Lakin lives there; I know the prisoner Lewis; they call him Taff; he lived at Mr. Lakin's; upon Mr. Lakin applying to me, I went to his house; I went up one pair of stairs, and found Lewis in his own lodging-room, with this basket; I asked him how he came by that basket? he said it came out of the country; says I, where is the direction? says he, there is no direction upon it, I have pulled that off; the other prisoner was not there then; I never saw him; says I, have you no letter, nor any thing for it? no, he said: then I told him I should detain him; and I went for the constable, and he came; and then it was opened; the prisoner said it contained clothes that came out of the country, from some friend; when the constable came, the basket was opened, and it contained grocery goods; and through the bill of parcels, application was made to Mr. Frewen; Mr. Wright has had the custody of the basket ever since; when I brought down Lewis, Smith was in the shop.

THOMAS WRIGHT *sworn.*

I am a constable. About three in the afternoon, of the 12th of January, I went to Lakin's house on Bell's application; I found both the prisoners, Mr. Bell, and several other people; the packet was produced to me; I asked the prisoners, but particularly Lewis, where he got it, who said it was his property; the other said he was only porter; I asked Lewis the contents of it? he said it was clothes, dirty clothes, or foul clothes, that came out of the country, from his friends; says I, have you any letter to shew where you brought these from? he said, no, I have not; says I, it is very extraordinary, this is a very handsome package, I will cut it open; I did, and it contained a many things more than

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are in this bill of parcels; it contained every article of the goods that are mentioned in this bill of parcels; it is in the same state in which I found it at Lakin's house; Smith said, that they brought it from the Castle and Falcon; I took this out of Lewis's left hand breeches pocket; what they call the drag; and I found a key in his pocket, and I took it out; I searched his chest, and found a great deal of property in his chest; in his pockets I found three handkerchiefs, one marked C. M. a very good one, and two more without a mark.

RICHARD LAKIN *sworn.*

I live in Chick-lane.

What are you?—A jobbing smith.

You keep an iron shop, do not you?—Yes; that does not fit me.

Did either of the prisoners lodge with you?—Yes, Thomas Lewis.

On the day he was taken up, did you see him at your house?—Yes, between eleven and twelve; he was very much fuddled; he said he was going to the Castle and Falcon, on some business with a young man; and he went out, and came in again about three with the prisoner Smith, and a young man with him, in a kind of servant's dress; and the prisoner Smith had a load on his head; I do not know his name; I never saw him before; Lewis came in first; he was more fuddled than he was before; I asked him who that belonged to, and where it came from? says I, Lewis, it does not seem as how your acquaintance is able to send you any thing of the kind similar to this; he said it came from the Castle and Falcon; and I immediately thinking it was not proper for me to conceal any thing of the kind, *though I keep an old iron shop, gentlemen*, sent for Mr. Wright, and he came and cut it open.

Are you a jobbing smith?—Yes.

Did you ever see that before? (*showing him the drag*)—Yes.

Whose property is it?—Lewis's; I cannot tell who made it; it was very hard weather; and in St. James's Park they broke the ice, and they went there and

dragged the fish out of it, as I heard him say; I do not know that I have seen it this six months or twelve months; but I have seen him have such a thing in his hand.

(*The things deposed to.*)

Mr. Garrow to Slater. Who is John Millan?—The master of the Bull and Mouth inn; he is chargeable.

PRISONER LEWIS'S DEFENCE.

I was at the Castle and Falcon, and a gentleman in a white apron applied to me, and said he wanted somebody to carry that parcel to Bleeding-hart-yard; I was too drunk to carry it, and this man carried it; and I said I would give the young gentleman a bit of small cane; and we called at home, and Bell came up and took the parcel.

The prisoner called Richard Lakin to his character.

PRISONER SMITH'S DEFENCE.

I was in the tap-room, and a gentleman's servant came in; and we brought the parcel to Lewis's lodging; who brought the parcel to the Castle and Falcon, I do not know; Lewis was so drunk, he could not carry the parcel, and he hired me to carry it.

THOMAS LEWIS, GUILTY.

Transported for seven years.

JACOB SMITH, NOT GUILTY.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

97. THOMAS BRADLEY was indicted for stealing, on the 12th of January, one linen sheet, value 2s. one linen shift, value 4s. one linen bed-gown, value 2s. a child's callico skirt, value 1s. a linen shift, value 18d. a callico bed-gown, value 2s. and a linen petticoat, value 1s. the goods of Henry Hayman.

HENRY

HENRY HAYMAN *sworn.*

I live at Notting-hill, Kensington Gravel-pits; I am a farmer. On Wednesday, the 12th of January last, I had some clothes drying in a garden at the bottom of a grass-plot; on going out of my own house, I observed one part of the clothes lying on the ground; I went a little farther, when I observed that the prisoner at the bar had that moment either cut or pulled the line down from the post, by which means the whole line of clothes was down; immediately as they were down, he began at the end of the line at which he stood, gathering up the clothes, walking along as he picked them up; upon seeing me, he ran to the corner of the garden; he ran about eight or ten paces with the clothes in his arm, and threw them down over some palisades; from thence he jumped over into the turnpike road; and I pursued him, and took him back into the garden where the clothes were, and asked him why he put them there? he denied being in the garden; I desired my servant to take care of the clothes; and I took him to the watch-house, and gave him to the care of the constable.

Prisoner. Did not you lose sight of the man, before you took me?—It is impossible, from the situation of the place, but what I must; but I only lost sight of him while I opened the front gate; I am positively sure that is the man; there was no one else in sight whatever.

MARY CHAPMAN *sworn.*

I am servant to Mr. Hayman; I have got the things which were found up in the corner, by the palisades.

(Produced and deposed to.)

GUILTY (aged 20.)

Permitted to go as an East India soldier, by the recommendation of the Jury and the prosecutor.

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

98. **JOHN HARMAN** was indicted for feloniously stealing, on the 11th of January, one woollen cloth wrapper, value 10s. the property of Felchere Holyland.

THOMAS JESSOP *sworn.*

I am a carman; I live at Felchere Holyland's, Goswell-street. I accuse the prisoner of stealing this wrapper; I caught him taking it out of the cart, and gathering it up as the cart went along; it was lapped up in the fore part of the cart; I did not see him in the cart; this young man did.

JAMES HUBBARD *sworn.*

I am thirteen years old.

Do you know the nature of an oath; if you tell a lye, what becomes of you; is it a good thing or bad thing?—It is a very bad thing.

What do you know about the wrapper? I was going up Goswell-street, and saw John Harman jump into the cart; and he jumped out again; he ran to the bundle, and took it from the fore part to the latter part.

Was any body with him?—No.

How was it, laying over the cart?—No, it was lapped up of a heap.

Court to Jessop. Was this wrapper lapped up?—It was.

When you was alarmed, what did you do?—I went and caught hold of the wrapper, and he ran off; I cried out stop thief! and ran and took him about fifteen yards off.

PRISONER'S DEFENCE.

I had been to Westmorland-buildings with a grazier that I work with; coming along Goswell-street, I heard the cry of stop thief; so this man ran across the way, and caught hold of me, and accused me of stealing the wrapper.

GUILTY (aged 20.)

Transported for seven years.

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

99. **JOHN**

99. JOHN CLINCH was indicted, for that he, on the 7th of December last, well knowing that James Lewis Deformeaux had delivered to Frances Purser, wife of James Purser, a quantity of raw silk, his property, did on the 7th of December last, falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and did willingly act and assist in the false making, forging, and counterfeiting, a certain warrant and order for the delivery of goods, with the name Lewis Deformeaux thereto subscribed, by the name and subscription of L. Deformeaux, he being his servant in his business of a silk-dyer, purporting to be a warrant and order to him as servant, for the delivery of eight pounds weight of raw silk, to the bearer of the said warrant and order; the tenor of which forged warrant and order is as follows: "Please to send by the bearer, 8 pounds of that *wharpe nunmarked. L. Defamoacks*" with intention to defraud James Lewis Deformeaux.

A second Count, for forging and uttering the same with the like intention.

A third and fourth Counts, for forging and uttering the same, with intention to defraud James Purser.

(The case opened by Mr. Garrow.)

JAMES PURSER *sworn*.

I am journeyman to Mr. Deformeaux, a black-silk dyer, in Spitalfields. On the 7th of December last, I carried a quantity of Piedmont raw silk from his house to mine; it was a bag of silk about eighty pounds weight; I took it to my wife to mark it, and tie it in proper skains for dying.

Mr. Knowlys, Counsel for the Prisoner, objected that this was an interested witness, and must be released by Mr. Deformeaux.

GREEN *sworn*.

Proved a release executed by Mr. Deformeaux.

James Purser. I delivered the same quantity of silk, and in the same condition that I received it from Mr. Murdon.

FRANCES PURSER *sworn*.

I remember receiving this silk from my husband; and between eleven and twelve, the prisoner came and asked me for eight pounds of silk, to dye colours; I did not know him; he had not applied to me before; I told him I had no such small quantity; he said, it was to be eight pounds out of that I had to mark; but he did not say what quantity I had: he said he was to have it out of the warp; he said, Hacker had sent him to Mr. Deformeaux, and Mr. Deformeaux had sent him to me; I said, are you sure they sent you? and then he gave me the note; I asked him who wrote the note? and he said, Master Lewis Deformeaux, by which I understood, Mr. Deformeaux's son, who manages his father's business; after I saw the note, I asked him to go down in the kitchen; and I gave him the silk; I said I could not weigh it; I had no weights; he said, that was of little consequence; if there was not enough, he would come for more at dinner-time.

Mr. Garrow. Then I understand you to deliver it on the credit of Lewis Deformeaux?—Yes.

Should you have delivered it, if it had been as much more?—Yes, twice as much.

Court. Do you know the hand-writing of Lewis Deformeaux?—No.

Might not he be expected to write a good hand?—Yes.

Did not it strike you at the time, that this was not his hand?—No, it did not; he looked like a dyer.

Mr. Garrow. How soon after he was gone, did you suspect all was not right?—Before he went out of the house, something came into my head, that he should not carry away the silk unweighed; and I sent a girl to Mr. Deformeaux.

Is that the order he delivered to you?—Yes, it is.

(The order read, and examined with the indictment.)

Mr. Knowlys. Where did you receive that order from last?—I just now received it

it from somebody here; I do not know who it was.

Who has had the custody of it?—Mr. Deformeaux.

That you received from the prisoner; what did you do with it?—I gave it to my husband.

Mr. Purser. I gave it to my master.

Mr. Deformeaux. I have locked it up.

Mr. Garrow. Is that your name on the back?—Yes.

WILLIAM MOODY sworn.

I am servant to Mr. Deformeaux. I remember weighing eighty pounds of Piedmont raw silk, on the 6th of December; I put it in a drawer, with a ticket to it; the next morning I helped put it into a bag, and delivered it to the foreman, Allen Murdon; after that, I received from Mrs. Purser, between eleven and twelve of the same day, seventy-two pounds six ounces, of the same quality and fort I delivered in the morning to Murdon; there appeared to be a deficiency of between seven and eight pounds; I knew the prisoner; he had been a servant of Mr. Deformeaux's, and discharged about a fortnight; I saw him in Fort Street, near Spitalfields, about four or five hundred yards from Purser's house; he was going from his house with a bag across his shoulders, which we call a boiling bag; there was something in it; I called Jack; he turned his head, and kept running on: I saw no more of him till he was taken into custody.

ALLEN MURDON sworn.

I am foreman to Mr. Deformeaux. On the 7th of December, I received about eighty pounds of Piedmont raw silk from Moody; I gave it to James Purser to carry to his wife, to be marked; on her information, I went to her house, and weighed the silk; it weighed seventy-two pounds six ounces, leaving a deficiency of seven pounds ten ounces; the silk was to be taken up, and marked ready for dying, in heads about an ounce or half an ounce, and

opened and put on a pin for dying; that is what we call marking.

Mr. Knowlys. Do you know the prisoner?—Very well.

Do you know, in point of fact, whether he can read or write?—I cannot say.

(A release being executed to James Purser, his examination was here continued.)

Mr. Knowlys. When did you put your name to it?—It was lately.

Court. Had it got out of your possession before?—Yes; I was desired to put my name on it by Mr. Deformeaux.

Mr. Garrow. At the magistrate's, I believe?—Yes.

Mr. Knowlys. How long had it been out of your possession, before you put your name upon it?—I kept it about a day.

Mr. Garrow to James Purser. Did you ever part with it out of your possession, till you delivered it to Mr. Deformeaux?—No.

Mr. Deformeaux. I am positive it is the same.

Read.

"Plese to send by the bearer, 8 pound of that wharpe unmarked, L. Desamoacks."

Mr. Knowlys. There is no direction upon it?—No.

Court to Mrs. Purser. You can read, madam, cannot you?—Yes.

And previous to the time you delivered this silk, did you read it over?—Yes.

Could you make any sense of it?—It is plain enough for me to understand; unmarked, is without the threads round it.

Mr. Knowlys. Can you read writing yourself?—Yes.

Now do you think that is Mr. Deformeaux, or Mr. Desamoacks?—I did not know how Mr. Deformeaux spelt his name; if I had been so particular to examine every thing, I should not have given it him; but by this he got it.

Then you did not think it came from Mr. Deformeaux?—Yes; he told me so, and I thought so.

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Would

Would you take that to be Mr. Desormeaux's name?—Yes, I would, because I am ignorant as to the spelling of his name.

Did you look attentively to the spelling of his name, before you gave it?—I did not particularly attend to the spelling of the name.

Would you deliver it on such a note now?—Yes, I should deliver it on a note.

Therefore you trusted to his representation of it?—Yes; the note convinced me that he was sent for the silk; it was a perfect satisfaction to me, till he got out of the house.

In short, you did not pay much attention to the note till he went away?—I looked at the note, and saw it was as he said; I did not trust to what he said; I gave it on account of the note.

Do you know young Mr. Desormeaux?—Yes, I do know him.

I believe he was at this time apprentice to his father?—I do not know; I never had seen his hand-writing before.

Mr. Garrow. Did this impose upon you as the hand-writing of Mr. Desormeaux?—It did.

Did you on the credit of this, deliver the goods of James Lewis Desormeaux?—I did.

Court. Did you take this to be the writing of the son or the father?—I took it to be the writing of the son.

Had you ever seen his writing before?—Never, before or since.

MARY HALEY *sworn.*

I live with Mrs. Purfer. I saw her deliver the prisoner the silk; I did not see him give her the note; I am quite sure the prisoner is the person that came for the silk; I saw him afterwards at the justice's.

LEWIS DESORMEAUX *sworn.*

I am the son of Mr. Desormeaux.

Mr. Knowlys. Are you out of your apprenticeship?—I am not.

Mr. Knowlys. Then I take it for granted, that this young man cannot give evi-

dence, without being released from the articles of his apprenticeship.

Court. That has nothing to do with it, in my apprehension.

Mr. Knowlys. He has given some order, whether right or not, he is about to clear himself.

Court. At present he appears to me to be a competent witness; what may arise, is another question.

Lewis Desormeaux. I am son of the prosecutor; I manage the whole of his business in his absence; I receive goods, and send out goods to be weighed.

Look at that paper; is that your hand-writing?—No, Sir, it is not.

Mr. Garrow to Murdon. Are you acquainted with the hand-writing of Lewis Desormeaux?—Perfectly well.

Is that his hand-writing?—No, it is not.

Mr. Knowlys. Nor the hand-writing of the father?—No.

JAMES LEWIS DESORMEAUX

sworn.

Is that your hand-writing?—No.

Is it the hand-writing of your son Lewis?

—It is not.

Was it written by any person under your direction?—No, Sir, it was not.

DANIEL HACKER *sworn.*

I am a dyer of silk in colours, near the prosecutor's. I think I have seen the prisoner, but I never gave him any order in my life.

ROBERT HARRIS *sworn.*

I am a constable of Spital-fields. I went to Coventry to apprehend the prisoner, on the 10th of December, at night; we found the prisoner there; he was taken into custody, and I brought him to London.

Had you any conversation with him?—Yes.

Did you promise or threaten him?—No; he said he knew nothing of it; on Monday, before Mr. Spiller, what he said was not taken in writing, to my knowledge;

ledge; he said, one Robert Wilfon and John Roberts met him at the Golden Hart, and Robert Wilfon wrote the note and gave it to him, and told him to go to Mrs. Purser, and get the silk, and they would meet him at the Alfred's Head, in Union-street; that the prisoner went and got the silk, and took it to the Alfred's Head, and gave it to them; that they had a pot of beer, and left him to drink it, and went out with the silk; when they came in again, they gave him five guineas, took him to the Swan with two Necks, in Lad-lane, and paid for a place to Coventry, on the outside of the Birmingham balloon coach; that they staid drinking with him till it was time for the coach to go off; that then they saw him on the coach, and said they were going to Ireland.

Mr. Knowlys. Did you go with the constable of Coventry, for him?—No, Sir.

Was he found at work there?—I heard say he was at the public house.

Mr. Garrow to Prosecutor. What is the value of these eight ounces of silk?—From thirteen to fourteen pounds.

Mr. Knowlys. My lord, I arise with a great deal of humility, to deliver my sentiments to the Court; I hope I shall always refrain from doing it, where I have not a very full and labouring weight on my own breast, that unless I deliver my sentiments, I am deserting my duty to my client. I have several objections; one to the form of the indictment, and another to the construction of the act of parliament under which this case is attempted to be drawn. I hope it will be some apology for me to state that this is a case that is of a complexion that has not yet come before the Court. My lord, it has been established by the authority of many cases, first, by the case of Mary Mitchell, in Foster's Reports, and a subsequent case of the King and Williams, in Term Law; that being an offence within the meaning of the statute, the thing purporting to be forged, must be an order in some measure compulsory on the party holding the goods; that is to say, that it shall be an order from the per-

son claiming the possession and the disposal of the goods; on that principle it is, that having first established that, I think the indictment is defective in its form, so that no judgment can be given upon it, even supposing that the case on the principle should be against me.

Court. You say that it must be an order from some person having authority to dispose of the goods.

Mr. Knowlys. In the case of Mary Mitchell, it was the case of a pauper carrying to a shop-keeper an order, purporting to be an order of the overseer of the poor, desiring to have certain goods, for which he would pay as overseer; upon that the sense of all the judges was taken; and I think, nine of them were of opinion that this was not within the meaning of the act of parliament, inasmuch as it must be an order compulsory on the holder of the goods, but that this was merely a request and suggestion of an intention to bargain for the goods, for which he was afterwards to be responsible. There is a case of the King and Williams: the order there was addressed to a Mr. Gilmer, of Portsmouth; the order was this: Sir, please to let the bearer, Captain George Williams, have twelve barrels of tar, and in so doing you will oblige your servant to command: there it was held it was not an order to the person having the positive disposal of the goods, but only an order from a tradesman, which he might or might not execute. My lord, there has been afterwards cases which have been of this sort: an order directed to the person holding the possession of goods, as coming from the owner of those goods, the person having a real property in those goods, but the order signed by the owner. My lord, I submit the prosecutor must go this length to bring this case within the construction of the act of parliament; he must go the length of putting a sufficient charge of that sort on the record; that that order does come from a person, purporting to be the owner of the goods, and to have the disposal of them; now this order, which is expressly shewn on the

the record, not to come from the real owner of the goods, does come from some person who stands within the situation of the owner; there they fail; first the indictment itself shews, that the property is in the father; next the indictment shews, that the person giving the order, is not the owner, but some other person, but a servant; to bring it within the construction of the act of parliament, they should have established this in evidence; supposing the indictment to be correct; that this servant was a servant *sui juris*; that he gave orders; that all persons acquiesced with his orders; and that his orders were in the usual course of business, and paid as much attention to as the master himself. I submit, my lord, that there is no evidence of the situation of the person himself, as an apprentice only, and under the command of the master; the father has not said, and no servant acting in the house has said, he was in the habit of giving orders, and that the tradesmen were in the habit of receiving orders.

Court. I understood the evidence of the son was, that he managed his father's business in his absence, and received goods, and sent goods out to be dyed. Whatever may be the opinion of the judges, I will state it for their opinion, the first day of the term; I will hear the argument on the other side, if you please: the case of Williams is new to me.

Mr. Knowlys. Then I have an objection to the form of the indictment. This is averred to purport to be an order from Lewis Desormeaux, by the name and description of L. Desamoacks: I take it there must be some purporting on the indictment; and this name cannot be healed by any oral testimony, that it did purport to be that; and so he intended to represent it; besides that, I take it this must be an order on the person holding the possession of the goods; and here it is not affirmed that this is an order directed to the holder of the goods, and therefore *non constat* upon the face of it, that it is an order on the person holding the goods, for the delivery of those goods. My lord, the next point which I think bears

a great deal stronger against this case, than any one I have mentioned yet, is to the form of the indictment likewise: I take it the regular form of the indictment should have been, that the person did publish a certain order, purporting to be an order for the delivery of goods, signed so and so, against the statute: I take it, that the prosecutors, by their extreme caution to bring this particularly within the bearing of the law, have overshot their mark, and rendered this indictment insufficient; they have gone out of the regular form, and indicted him this way: that the owner of the goods was in possession of such and such goods; that this defendant, well knowing these facts, did present an order, purporting to be the order of the servant to the holder of the goods, to receive the goods; that the prisoner was then a servant; having so particularly put it; it has not gone on to state that that servant was the servant empowered by the master, to give and deliver such orders to persons to deliver those goods; therefore they have gone out of the regular form of the indictment, that he did publish such an order as described; who has done this as described? that it is done by a person being a servant; that is averring that the servant had an authority. Now if they had left it generally as an order for the delivery of goods, signed so and so, and then put it upon evidence, whether such an order was an order within the act of parliament; then it must have fallen, or not, within the construction of the act of parliament: they have said it was by a person having particular authority, and have not stated that he had a complete authority; if they had confined themselves to general terms, I could have had no objection, except that the evidence did not apply to the construction of the act of parliament; but in this case there is a defect in the indictment, of which I am entitled to avail myself, in point of form, so far as may be to the benefit of my client.

Mr. Baron Perryn. This is a new case, and I am not at all anxious to decide a new case, where life is concerned.

Mr.

Mr. Garraw. My lord, on the part of the prosecution, I beg leave to observe on the objection, which beyond all question, if it had the best of all foundations for an objection, a foundation of fact, would have been one to which I am quite unprepared to give any answer, namely, that if this was so decidedly in the nature of Mitchell's case, that the person whose authority this was, had no authority over the goods; your lordship has relieved me of that, by observing that this person had an authority. There is a very remarkable expression in the decision of the judges, in some of those cases which my learned friend has seen, which he did not state; that the person giving the order, ought to possess some interest in the goods, or disposing power over them. It is enough; for bringing this out of Mitchell's case, and bringing it into Jones's case, that the person claims to have a disposing power, not for his own benefit, not *sui juris*, but a disposing power; then beyond all question, Mr. Lewis Deformeaux has a disposing power over these goods.

Court. What the words of the case are, I do not know.

Mr. Garraw. There is Lockett's case, which was of the same sort: "Please to pay the bearer ten guineas." It was said, this does not assume to be an order for the disposition of it, and looks like a request to be favoured with something; it is not an order to dispose of it, or any authority to alter the possession of the thing. In Mitchell's case, it did not proceed on that which my learned friend has said, but it was only a ticket, authorising a pauper to receive a certain thing. There was a case of Jones, which was in October sessions, 1764, before the late Lord Chief Baron Smythe; Lord Mansfield and Mr. Justice Bathurst were present; there the order was, "Sir, please to deliver my work to bearer. Lydia Bell, Queen-street, London." This was the case of a work sent to be assayed; this was the ticket to deliver it: first, it was not addressed to any body, nor in the indictment was it said to be addressed to any body; but in this case, the question is,

NUMB. II. PART II.

does this purport to be the order of Mr. Deformeaux? if it does, then the fact is made out to the satisfaction of the jury; is equally a forgery, and equally made good by these statutes. That case is in print in a collection of crown cases, and Owen's case, in 1784, last Ed. 1st Hawkins, page 211; there it was called "My work." In all these cases, there it purported to be the order of the proprietor, by the principle laid down in the cases before you, where the party claimed a power to alter that principle, still it shall be a forgery.

My lord, if you consider the extreme mischief in all the banking houses, in all the manufacturing towns, who carry on the greatest part of their business by their foremen, and in goods to the amount of many millions of money in the year; they are transferred from hand to hand, by the foreman; still the party whose name is purported to be forged, had not a disposing dominion of the goods transferred; and we know how many of those things are transferred by tickets with initials; and we know how many by hieroglyphicks. My lord, on the subject of the name, you have only to be referred to a case, in which it has been determined, that if you forge another man's mark, with intent to defraud him, that is as much a forgery, as to forge his name. The indictment charges, this was intended as a forgery of Mr. Deformeaux's name. Then there is a very formidable objection to the form of this indictment, for it seems it has stated a little too much, and a little too little. My learned friend agrees, in the common form, that it would have done; but he says, inasmuch as I have added to the name of Lewis Deformeaux, who he is, I have stated too much; and inasmuch as I have not said Lewis Deformeaux had power over those goods, I have not said enough; and says he, the said Lewis Deformeaux, then and there being the son; why you may reject it as a surplusage, taking it, it was necessary to state this, which I think is the better opinion; then I say the other is a mere matter of evidence. Says my learned friend, it

H

either

either must be on the record stated, or it must be in evidence.

Mr. Knowls. A certain warrant and order for delivery of goods, with the name L. Defamoacks thereto subscribed, purporting to have been signed by the said Lewis Deformeaux.

Mr. Garrow. Therefore, my lord, it is the offence of forging that warrant and order of a servant of a particular name, purporting to be the servant of the owner of the goods; therefore I contend, my lord, that this is a forgery; it is certainly the exhibition of a false token; I say this appears to be a forging an order for the delivery of the goods for the proprietor; therefore I shall add this to it, that that servant was authorised by the proprietor, to give such orders for the delivery of the goods.

Court. As this matter is to be referred to the opinion of all the judges, it will be unnecessary for me to declare any opinion at this time; therefore sentence, if the jury

shall find him guilty, will be respited till the opinion is known, if my brother is of the same opinion, as it is a new case.

Mr. Baron Thompson. I am of the same opinion.

PRISONER'S DEFENCE.

I have nothing farther to say, than I know nothing of the hand-writing of the note.

The prisoner called five witnesses who gave him a good character.

The jury retired for some time, and returned with a verdict.

GUILTY, DEATH.

Sentence respited for the opinion of the judges.

Tried by the first Middlesex Jury before

Mr. Baron PERRY.

ERRATUM.—In Page 154, for MISDEMEANORS, read MISDEMEANOR; the Indictment numbered 88, being the only one for a Misdemeanor; those subsequent are for Felonies.

of the same sort. It was said, "I do not pretend to be a lawyer, but I have a little knowledge of the law." The indictment charged, that the prisoner had committed a forgery of a certain warrant and order for the delivery of goods, with the name L. Defamoacks thereto subscribed, purporting to have been signed by the said Lewis Deformeaux. The prisoner's defence was, that he knew nothing of the hand-writing of the note, and that he had called five witnesses who gave him a good character. The jury retired for some time, and returned with a verdict of guilty. Sentence was passed of death, but it was respited for the opinion of the judges. The prisoner was tried by the first Middlesex Jury before Mr. Baron PERRY.

The

The Sessions being ended, the Court proceeded to pass Sentence as follows:

<i>Received sentence of Death, 12, viz.</i>			<i>Seddon, Peter</i>			79
Alldin, Charles	—	—	Smith, Ann	—	—	80
Buckeridge, Daniel	—	—	Solomons, Abraham	—	—	59
Cook, George	—	—				
De Souza, Soze	—	—	<i>To be imprisoned Twelve Months, 2, viz.</i>			
Herbert, Thomas	—	—				
King, Ann	—	—	<i>George Smithson, John Gardner (fined</i>			
Mac Millan, Neal	—	—	<i>one shilling.)</i>			
Pointer, Thomas	—	—				
Randall, John	—	—	<i>To be imprisoned Six Months, 6, viz.</i>			
Rhodes, Ann	—	—				
Smith, William	—	—	<i>Adam Ward, Mary Ingler, Frances</i>			
Wallis, John	—	—	<i>Smith (fined one shilling); Elizabeth Proctor, Isaac Gill, John How.</i>			

To be transported for Seven Years, 16, viz.

Blackwell, Elizabeth	—	—	75	<i>To be imprisoned Three Months, 1, viz.</i>		
Bromwell, Thomas	—	—	89			
Carroll, Mary	—	—	67	<i>James Mac Cormick.</i>		
Fellows, Edward	—	—	70			
Harman, John	—	—	98	<i>To be whipped, 10, viz.</i>		
Hodder, Priscilla	—	—	78			
Humphries, Lawrence	—	—	59	<i>George Pollard, Evan Jones, Adam</i>		
Jones, Sufannah	—	—	67	<i>Ward, Joseph Lucas, David Gilbert,</i>		
Lewis, Thomas	—	—	96	<i>Lewis Durant, Richard Noah, Isaac Gill,</i>		
Meadows, George	—	—	71	<i>John How, James Mac Cormick.</i>		
Mills, Sarah	—	—	92			
Nelson, William	—	—	76	<i>Judgement respited on John Clinch, a</i>		
Reynolds, Stephen	—	—	58	<i>capital Convict.</i>		

The next Sessions will begin on Wednesday, the 16th of February, at the Old Bailey.

Mr. H O D G S O N

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George	50	—	—	George
Ward	50	—	—	Ward
Joseph	50	—	—	Joseph
James	50	—	—	James
Richard	50	—	—	Richard
John	50	—	—	John
How	50	—	—	How
James	50	—	—	James
Mac	50	—	—	Mac
Comrie	50	—	—	Comrie
John	50	—	—	John
How	50	—	—	How
James	50	—	—	James
Mac	50	—	—	Mac
Comrie	50	—	—	Comrie

The next Sessions will begin on Wednesday, the 10th of February, at the Old Bailey.

T H E
T R I A L S A T L A R G E
O F T H E
C A P I T A L and other CONVICTS,
O N T H E

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middlesex*,

H E L D A T
J U S T I C E H A L L *in the* O L D B A I L E Y,

On Wednesday, the 16th of FEBRUARY, 1791, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY
E. H O D G S O N,

PROFESSOR OF SHORT-HAND;

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T H E
T R I A L S A T L A R G E,
O F T H E
C A P I T A L and other C O N V I C T S,

O N T H E
K I N G ' s C o m m i s s i o n o f t h e P e a c e , O y e r a n d T e r m i n e r , a n d
G a o l D e l i v e r y f o r t h e C I T Y o f L O N D O N , & c .

BEFORE the Right Honourable JOHN BOYDELL, LORD MAYOR of the City of London; the Honourable Sir NASH GROSE, one of the Justices of his Majesty's Court of King's Bench; the Honourable Sir ALEXANDER THOMPSON, one of the Barons of his Majesty's Court of Exchequer; Sir JOHN WILLIAM ROSE, Serjeant at Law, Recorder of the said City, and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

London Jury.

Richard Cotton
John Batchelor
John Amis*
George Miles
Richard Payne
Thomas Nibbs
Benjamin Bottomley
William Bailey
John George Towers
George Thorne
Edmund Nicholson
William Jones

First Middlesex Jury.

James Manley
William Corn
John Dickinso
Benjamin Hickley
John Selwin
William Evans
William Burges
Thomas Gibbs
Michael Taylor
Joseph Weedon
James Thurley
James Cotton

Second Middlesex Jury.

Alexander Donaldson
Richard Collier
John Goldsmith
William Marshall
Francis Ianson
Christopher Thorne
Jonathan Pratt
William Baker
Thomas Philpot
Edward Harris
William Howard
John Scott

* Edmund Stapleton served on Saturday in the room of John Amis.

100. **J**AMES JOHNSON was indicted Thomas Ree, about the hour of seven in the night, on the 9th of January last, and breaking and entering the dwelling house of burglariously stealing therein, two men's cloth

cloth coats, value 40s. one pair of velveret breeches, value 18s. one linen gown, value 7s. one flannel petticoat, value 12d. one half-crown, eighteen-pence, one hundred and twenty halfpence, value 5s. and twelve farthings, value 3d. his property.

The witnesses examined separate, at the request of the prisoner.

THOMAS REE *sworn.*

I live at Hoxton, in St. Leonard's, Shore-ditch. My house was broke open on the 9th of January, about a quarter after seven in the evening; my wife and me were coming home from chapel on Sunday evening; the chapel is about a furlong from our house; and I saw a light in the bed-chamber, up one pair of stairs; I got in my house as quick as I could; a neighbour followed me; I got in by unlocking the fore door; I went out about a quarter before six in the evening; all the doors and windows were fast; there was an empty house next to mine, which door was open; and the back door was open; when I was going up stairs, I heard the cracking of glass; and I went out at the front door, and cried out thieves! and in about a quarter of an hour after, the prisoner was taken by my landlord, John May; after the man was taken to the watch-house, I went home and searched my house, and missed the things in the indictment; on the prisoner there was found between three and four shillings in halfpence, and some six-pences, and a half-crown, King William and Queen Mary, which I swear to; the clothes were ready to take away; and the window was broke; the clothes consisted of two cloth coats, a pair of velveret breeches, a gown and petticoat, all packed up in this bag, on a chest under the window where the man got out; the things are mine; their value is, I think, about three pounds; I will swear they are worth that; I let the things remain in the bag, and went to the watch-house again; I saw the prisoner searched, and found the money I mentioned, and a remarkable half-penny.

Court. What are you?—I keep a small chandler's-shop and small coal-shed, in a small way.

After you found those things in the condition you mentioned, did you look about the house to find which way any body could get in?—Yes; they got in at the empty house, the door of which was unlocked; the back door was unbolted; they got to my house by getting over a low boarded fence between my house and the empty house.

Did you see any marks of any body having got over that fence?—I saw no marks but my back door was broke open.

Had you taken notice whether you left that shut when you went to the chapel?—Yes; it was bolted with one iron bolt, in the inside; and the iron bolt was wrenched open by a large chisel, which was found up stairs by Armstrong; it was no tool of mine; I saw Armstrong take it up by the chest; Mr. Armstrong fitted the chisel to the door; it answered.

(The clothes deposed to).

ELIZABETH REE *sworn.*

I am wife of the last witness. About a quarter after six, my husband and me went to chapel, and bolted and locked the door after us; we came home about a quarter after seven, or twenty minutes; and when I came home, I saw a light in the one pair of stairs room; we got a light, and went in; and going up stairs, I heard the window smash all to pieces; the lead light; it did not open; my husband went out; I staid within; I looked about the house, and went up stairs; I found this large bag, with these clothes in this bag: *(deposes to the things)*: I saw them in the chest; it was not locked; I was very much frightened; I had not much power to look about the room; I saw Armstrong find a chisel, and fit it to the back door, which was broke open, and which had been fastened with a large bolt; the door posts were all forced with a chisel all the way down; that door was fast when we

we went out ; I think I fastened it ; it was dark when we returned.

JANE CITIZEN *sworn.*

I live about forty yards from the prosecutor. On the 9th of January, I was alarmed by the cry of stop thief ! then I went into my yard ; I saw the wooden fence broke down ; I went a little farther, and saw the prisoner in the vault ; I am sure it was the prisoner ; I never saw him before ; it was between seven and eight ; I asked him how he came there ? he said, to ease himself ; I then asked him which way, or how he came ? pointing towards the prosecutor's house, he told me he came through that house ; then the prosecutor knocked at the door ; he came in ; I told him to secure the prisoner, which he did, and took him to the watch-house.

Prisoner. What reply did I make you when I was in your yard ; did not I tell you I could give a very good account how I came there ? did I point to the prosecutor's house ?—Yes, across the yard where the fence was broke down ; a part of the prosecutor's house looks into my yard ; the empty house is between my house and the prosecutor's.

MARTHA MAGGS *sworn.*

I live in Scott-lane, Hoxton. On Sunday evening, the 9th of January, I went to see an acquaintance not far from the prosecutor's, in the same court where he lives ; I think they call it Hoxton-square ; I went there to buy a candle, and gave the prosecutor half-a-crown to change, and he refused it, and said it was a French one ; and I took it out of his hand, and said, if it was, there was a fleur de lis upon it ; I looked at it, and said, it is not a French half-crown, for it is a King William and Queen Mary ; and he scrupled it then ; and I shewed it to his wife ; and then he gave me the change ; I said then I should know the half-crown among a hundred ; to the best of my knowledge, when I took such particular notice, I thought it had a kind of flaw in the silver.

Was it smooth on each side ?—Remarkably smooth on the plain side, where the heads were not ; my husband gave it to me on the Sunday morning ; I did not take any notice of it till Mr. Ree refused it : (*looks at it*) : to the best of my knowledge I think this is the half-crown ; it is hard to swear ; but I could almost take upon me to swear it.

JOHN MAYS *sworn.*

About seven o'clock, on the 9th of January, in the evening, I heard an alarm of thieves ; I went out of my own house to see what part they came from, having about sixteen tenements belonging to me ; I went round and found Ree's house broke open ; the thieves had got in by an empty house which I had adjoining to them ; I bought a new lock two days before ; I am certain it was locked before on the Sunday, and bolted behind ; going by on the alarm of thieves, I found the door broke open ; and up stairs I had put up two standard lights ; and going down I found several tiles broke belonging to the house of Mr. Owen, and that he had escaped over the pales about ten feet high ; I went into the next yard, and examined the premises, and found a foot-step there, and tiles ; I traced the marks of somebody or other going from Mr. Ree's house, over my premises, into another yard ; the window looked towards my house, my premises, and my yard ; it appeared to me, that was the way that the thieves got away ; and on information I went to Mrs. Citizen's door with two knocks ; immediately I heard her say, thank God, my husband is come home ; she opened the door to me ; I rushed into the passage, and seized the prisoner ; he is the man ; I immediately took him to the watch-house, and he was committed ; I searched him, and found some halfpence, about three or four shillings worth, and about four or five sixpences, and half-a-crown of King William and Queen Mary.

JOHN HARRIS *sworn.*

I am an officer ; I took charge of the prisoner ;

prisoner; I did not search him; the prosecutor said he had been robbed of some money; I asked the prisoner whether he had not got half a crown? the prisoner said nothing at all; they desired to search his pockets; but he took out his money himself; Mr. Mays and Mr. Rees said they would search him; he took out some halfpence, and some sixpences, and half a crown; the half crown Mr. Rees said was his, and that he would swear to it; the rest of the money he put into his pocket; this is the half crown; (*produced*); I have had it ever since.

Mr. Rees. This is my half crown; a King William and Queen Mary; I received it about five o'clock; I know it by the scratch on the head; I never saw it before that evening; I gave change for it; I received it from Martha Maggs; I put it into the till under the counter, which was below stairs, and was not locked; I missed some halfpence and farthings, which were in the till; I told Mr. Mays of the half crown, and described it as we went to the watch-house: Mr. Harrison took it from the prisoner; (*looks at it*) I swear this is the same half crown; I could not have sworn to it if I had not taken it so recently.

Prisoner to Harris. Did not you ask me what money I had about me?—Yes; he told me he had got change for half a guinea of a gentlemen; I think he said at the place where he dined; and he said to me, I cannot give you change except you take such a half crown; then, says I, send for that gentleman? says he, I have nobody to send; I told him any of the watchmen should go for him; this was after the half crown was taken from him.

What did Armstrong say to you in the watch-house half an hour or three quarters of an hour after the robbery?—I do not recollect any thing particular that Armstrong said to me about the half crown.

Did not he ask you for this half crown when he came to the watch-house, to give him the half crown to make a mark on it, upon your oath, Sir, if you please?—I can take my oath to the contrary: Mr. May

NUMB. III. PART I.

said, make a mark on that half crown? no, says I, as it is taken so shall it remain: Armstrong never mentioned about marking it.

Armstrong said, we shall get the reward, and cast this man to death, so help me God?—I heard him say no such thing.

JOHN ARMSTRONG *sworn.*

After the prisoner was in custody on Sunday night, the 9th of January, I went to Hoxton watch-house, between eight and nine; I searched the prisoner; I found six shillings-worth of halfpence, six penny-worth of farthings, and one sixpence in silver: the prosecutor out of them halfpence said there was one he knew; he looked at it in the presence of Harris, and myself, and a watchman, and said, this was the halfpenny; the half crown was before I came; it was only a talk about it: I went to the house by desire of the prosecutor, and I saw this chisel by a box, and a bag, which his wife informed me had some clothes in; then I went in presence of the prosecutor to the back door, and matched this chisel where somebody had tried to wrench the door; then I asked the prosecutor's wife, in presence of her husband and the officer, says I, do you know any thing particular in the halfpence? yes, she said, she knew that there was some copper halfpence, and among them a piece of a halfpenny; I produced all these halfpence, and she picked this halfpenny out at the justice's; I would not permit her husband to speak to her, lest he should direct her: I do not remember I shewed the halfpence at the prosecutor's house: these are the farthings I took from the prisoner.

Prisoner. Did not you ask the prosecutor what he had lost?—I asked him this when I came into the watch-house, has the prisoner been searched? he said, he had given up half a crown, or some such thing: I took up all the halfpence into my handkerchief; the prosecutor said, that is my halfpenny I lost; then I took care of the halfpenny.

Court to Mrs. Ree. On this evening you picked

B

picked out something of a broken halfpenny?—Yes; Armstrong asked me if there was any thing among the halfpence that I could swear to? I said, there was a piece of a halfpenny in my till that I could swear to; I could not tell exactly how many halfpence or farthings; I took that piece of a halfpenny once or twice of a neighbour, and they brought it back again, and I said, well, it does not signify, I have had this halfpenny once or twice before; there was nothing particular but its being cut, and being a Welch harp; I should know it again; (*the halfpence shewn her.*) this is my halfpenny; I saw it in the course of the week; it is impossible to say what day; I paid it away once; and the person I paid it to brought it back again; I never paid it away a second time; this is mine I swear.

Thomas Ree. By this halfpenny being in the till; I had seen it several times in the till; I might have seen it in that day; I should know it again by being a Welch harp, and a piece cut off; I do not recollect any other particular mark; this is the halfpenny; I will swear to it; I never offered it to any body because it had been refused so often.

PRISONER's DEFENCE.

The very afternoon of this robbery I was coming from Deptford with a shipmate; we stopped to have something to eat and drink; we paid our reckoning; I wanted change for half a guinea; some people, that were travellers or riders, gave me the change provided I took them halfpence; they gave us a half crown and some halfpence; we came into Bishopsgate-street; my shipmate picked up a young woman; we went and had something to drink in the course of ten minutes, and he went away with the young woman; she said she lived at Hoxton; they stood at the door and talked about ten minutes or a quarter of an hour; says I, if you go up stairs I want to go some where; I said I wanted to ease myself; says the young woman, if you go over some pales I will

let you out, and you may come to us again; I went and heard the alarm of stop thieves; I was in the necessary; a woman came and took me; I told her I would give a good account of myself; I followed this good woman into her house, and as soon as I got into her door the man laid hold of me; they did; they took me to the watch-house; they asked me what money I had about me? I said I had change for half a guinea; says they, have you any half crowns? I said, yes; one: a man in the watch-house said, I believe this is my half crown; says I, swear to it if you think proper; I said, I had a small quantity of silver besides; I was locked up in a cage in this watch-house; I was there three quarters of an hour; then this Armstrong came and said, I believe I know you, says he; says I, I am just come from sea; I have not been in London: I took part of my money out of my pocket, and he took part, and the prosecutor was there, and Armstrong said, now tell me what you have lost? says he, to the best of my opinion I think three or four shillings-worth of halfpence; have not you lost nothing else? says Armstrong; yes, says he, half a crown: he went home to see; and Armstrong said, cannot you swear to this piece of a halfpenny? I said, says I, Mr. Armstrong, I took you to be a gentleman; I see plainly now what you are; you belong to the justice; you want to swear my life away: the next morning I was taken before the justice; he asked me what I had to say? I told him that was not a place for justice; says Harper, who was there, you villain, do you know what you are saying? says he, you villain, I will knock you down; says I, it is no service to say any thing at all. I have not a friend in the world; I have not been at home for six years; my chief witness when I got change at this publick house, he was a rider, a traveller; I sent a letter to this place, and they said, it was unknown when he would be at home; I subpoenaed him. When the man gave me the half crown, he said, this is a very pretty half crown, it will serve some

some of your girls; they like such half crowns.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Justice GROSE.

101. WILLIAM JENKS was indicted for feloniously stealing, on the 15th of January last, one pair of leather boots, value 10s. the property of Thomas Pettit, privily in his shop.

THOMAS PETTIT sworn.

I live No. 77, Wardour-street, St. James's. I am a cordwainer. On the 15th of January I lost a pair of boots out of my shop, on the Saturday evening; they were sent back to me about six to have a new strap put on; I put them on my cutting board for that purpose, and went into the yard to wash my hands; my wife called to me that somebody had opened the door, and shut it; I went to see who was there, and found the boots gone from the cutting board, where I had put them not two minutes before; I went out and saw nobody; I came back and gave information at Bow-street; my wife could see in the shop so as to see the door open or shut, though a person might by stooping come in without being seen.

HENRY CROKER sworn.

I am one of the conductors of the patrols belonging to Sir Sampson Wright; and on the 17th I saw the prisoner coming along with something under his coat; I challenged him, and asked him what he had? and he said, a piece of cheese, which he had bought; then I took him to the Brown Bear, in Bow-street; there I searched him; I found a piece of cheese, some buckles, and a bottle of gin, and three small knives; he said, there were four knives; and I took the candle to look for it, and I saw these boots on his legs; I made him take them off; there was the maker's name on them; I went to the prosecutor's,

and he said they were his: the prisoner told me his father was coachman to a gentleman, and these boots were not big enough for his young master, and he gave them to him, and he gave them to the prisoner.

(The boots deposed to.)

PRISONER'S DEFENCE.

On Saturday night I was all night, and all day on Sunday, on board ship, at Tower Wharf, and on Monday morning I bought the boots of a Jew, in Rag Fair; I gave him twelve shillings for them; and on Monday night he took me; and I thought he was going to trepan me; I told him the things were for my sister, in the country; I told him I got the boots honestly; the Jew asked me fourteen shillings, and I bid him twelve shillings; I have lived with respectable families; I was ashamed to send for my friends; I am eighteen years of age.

GUILTY, not privately.

Fined 1s. and imprisoned twelve months.

Tried by the first Middlesex Jury before Mr. Justice GROSE.

102. JOHN MALCOM was indicted for feloniously stealing, on the 3d day of February, three linen skirts, value 14s. one pair of cotton breeches, value 6s. one pair of flannel drawers, value 12d. four pair of cotton stockings, value 6s. one pair of worsted stockings, value 12d. a cotton waistcoat, value 12d. six cambric neck-cloths, value 2s. one muslin handkerchief, value 1s. a razor, value 2d. one case, value 2d. one printed book, value 4d. the property of James Hood; two linen shirts, value 10s. a pair of cotton stockings, value 2s. three cotton handkerchiefs, value 18d. two shoe brushes, value 4d. one blacking ball, value 2d. one clothes brush, value 6d. a razor, value 2d. eighteen plated buttons, value 6d. one leather bag, value 1d. the property of George Lowrie, in the dwelling-house of Richard Simpson.

JAMES

JAMES HOOD *sworn.*

I live in this town.

What part of the town?—I have forgot; I live in a house near the church; I forget the name of the church; I do not know the name of the street; I am come from Scotland; I have been in town two weeks; the man's name is Master Lindsey. I lost the things in the Prince William Henry, a publick house, at Charing-crofs.

What business are you?—I am no business at all.

No employment?—I am a miner; I was in the army a little while, not long; there was that man, Malcom, was along with us; I was going to the Invalid Office, to call for a gentleman, this lad and I; I knew him before; and he was going to shew us where it was; Lowrie, the other lad that the things belonged to, was with us.

Where did you meet with the prisoner?—In the street, two days before; I never knew him before; me and Lowrie had come from Woolwich about two days; he spoke to us first on London-bridge; we never took notice of him; he asked the other lad if he was going to Chatham; he was a soldier; and Lowrie asked Malcom if he was going to Chatham; Lowrie had on a soldier's coat; Malcom said, he was going to get his discharge; he had his regimentals on; I never had any regimentals; and Malcom said, he would get a beating order from his serjeant to us, to go to Scotland, or get us down by sea from the Scotch society; and we went into a publick house; he followed us into the White Hart, on this side of the Thames; I believe it was near London-bridge; he drank with us; we had a pot of beer, and went away together; and we went to one of his comrade's houses, as he told us; we sat there about two hours; he said, he would go and get the beating orders for us; he came back and said, he could not get one; then we all three went to a place where he said the Scotch Society sat; they told us they could do nothing in it; but they directed us to Mr. Frazer, at the Middlesex Hospi-

tal; then we went to his quarters and slept all night; we all three went to him the next day; he said, he could do nothing in it; and he gave us a line to go down to one at the Invalid Office; Malcom shewed us the way; his quarters were at the house of Master Williams, the Green Man, at Poplar; we slept there again the second night; we went to the Invalid Office, at nine; the man was not to be there till eleven; that was the day we lost our property; we went to the Prince William Henry's, to get a pot of beer, till eleven o'clock; it is just below Charing-crofs, a piece; we went about eleven to go to the Invalid Office, and left our bundles lying on the table; Lowrie and me went out, and left Malcom there, and three or four people more; we left our bundles on the tap room table; we had them with us every time before; we were gone about a quarter of an hour; when we returned Malcom was not in the room, and the bundles were gone; we looked for him; we staid there some time; then we went to Poplar to see for him; some of the people we left there were there when we came back; he did not come home all night; the next morning we went to his commanding officer; he belonged to the third regiment of guards; and by his directions we went back to Malcom's quarters, at Poplar; but he did not come; I never saw my bundle since; but I found Malcom on the Saturday, the 5th, in the Guard Room; I saw a pair of my stockings on his legs when I went in; I told him the marks of them before he took them off; they were blue cotton, marked in the feet with coarse linen cloth: the book was a Psalm book; I knew it: there was nothing else found upon him: the stockings and Psalm book were in the bundle, on the table; the bundle contained the things in the indictment; (*repeating them*) the beadle has the things; Malcom said the stockings were his own, and that he gave the bundles to them men: I had not opened the bundle since I came from Woolwich.

GEORGE

GEORGE LOWRIE *sworn.*

On Tuesday me and the last witness met with the prisoner on London-bridge; he came up along side of me, and asked me if I was going to Chatham; he had his regimentals, we had each bundles, he asked me if I was going to Chatham; I said no; he said he was going to get his discharge; I was in the artillery at Woolwich, I said I had mine already, and he told us he was going to get the benefit of his discharge, and saying what a fine thing it would be to him, as he was but young; so he asked us if we were going to Scotland, and I told him we were; he asked what part we were going to, and I told him to Edinburgh; and he asked if we had a beating order, I said no; he said it would be a great advantage to us, as we were going to travel by land, he said he was sure he would get one for us, if we would go with him; I said I was going into a house, as we had had no breakfast; he said he would come soon; I said he might as well take share of a pot of beer; I told him a beating order would not answer, but Hood, my partner, was more inclined to it, so I consented to try; we slept the night before at the White Hart; he took us to an acquaintance's, and ordered us to stay there till he could get a beating-order of the serjeant for us; this was on the Tuesday; he came back in two hours, and said he could not get it, but he would get it by the Scotch Society, and he took us to a house where he said they sat, and got paper, and wrote a line to take to that house; he left us at the door, we all three went up to the door, he came back and said he could do nothing for us, and he recommended us to Mr. Frazer at the Middlesex Hospital; this was what Malcom told us: by this time it was near night, and he proposed taking us to his quarters at Poplar; we staid two nights with him, next day we come up to Mr. Frazer's, about eleven, he was not in, and next day we got a line to the Invalid Office, and slept at his quarters that night; and the next morning we went to the Invalid Office; the gentleman would not be there till eleven, so we

NUMB. III. PART I.

proposed going to a publick-house, so we came to the Prince William Henry, we staid there till eleven; then we came out and left our bundles on the table, and the prisoner there; Hood and me went together to the office, we returned in about a quarter of an hour, and the prisoner and the bundles were gone; I had in my bundle two shirts, and the other things in the indictment (*repeating them*); I had not opened my bundle until I came away from Woolwich, they were tied up in two kerchiefs; I was present when the prisoner was searched, nothing of mine was found upon him; Hood claimed the stockings on his legs, I had my bundle in my custody all the time from Woolwich, I parted from it no where.

MEEK *sworn.*

I am an out-pensioner in the thirtieth regiment of foot. I was at this publick house, on Thursday, the 3d of February, when Hood, and Lowrie, and the prisoner were there; it might be about ten o'clock, between nine and ten; they were in company together; they stopped some considerable time, and were getting some buttered rolls and purl, and I saw Hood and Lowrie go out, and the prisoner left behind with the box, I heard nothing pass, I saw two bundles laying on the table, tied up in kerchiefs; they were all entire strangers to me, they might sit an hour, or an hour and an half; I saw the bundles laying on the table after the two were gone, and I saw the prisoner take the two bundles almost immediately from off the table, and put them alongside the form, I did not see him go out; when the two men returned they asked for the soldier, and two or three told them they saw him go out with the bundles; I was present on Saturday night when the prisoner was searched at the watch-house; Hood claimed the stockings on the prisoner's legs, and a small psalm-book.

JAMES PRICE *sworn.*

I was at this house when the prisoner and

C

Hood

and Lowrie came in; I staid there while they sat together, I saw the lads bring in each a bundle, they were put on the table in the tap-room, the two lads went out and left the prisoner with two bundles by him, and I saw the prisoner take up the two bundles under his arm from a form by the side of the fire, under his arm, and stand by the tap-room door; he went out of the tap-room door, and I saw no more of him; I did not see him move the bundles from the table to the form.

————— **LOWRIE** *sworn.*

I am an officer; on Saturday, the 5th of February, the two lads came to the watch-house to me, turned of five, I apprehended the prisoner, and brought him to the watch-house, I found him at the Prince William Henry, Hood claimed the stockings as his own, and I found a book in his waistcoat pocket; Hood owned the book directly, there was his name and his wife's name in it.

(The stockings produced and deposed to.)

PRISONER'S DEFENCE.

The stockings I had had eighteen months; the book is their property. Last Wednesday was a week I met them two young men on Tower-hill; I asked Lowrie if he was discharged? he said, no, he was bound for Scotland; I went along Tower-hill and London-bridge, to the White Hart in the Borough; they said they slept there all night, and their bundles were there; we had three pots of beer; I told them I would try to get them a beating order to go down to Scotland; I left them at a house, at an acquaintance's of mine; I went to the clerk of the Orderly Room; he said he could not give one to another regiment; I came back and told them that the Scotch society might assist them; I went with them to Mr. Campbell; I told him they were two distressed men discharged, and did not know how to get to Scotland; he said, he could do nothing; he recommended them to Mr.

Frazier; they went to give the letter, and left the bundles in charge with me at the public house; Mr. Frazier gave them an order to go to the Invalid Office; it was so late, they could not go that night; I told them they might lodge with me at two-pence apiece; the next day we were to be there by nine o'clock; the two young men took their bundles with them; we came to the Invalid Office; the gentleman was not there till eleven; we had three pots of purl at the Prince Henry's Head; they went out and came in again, and left their bundles in charge of me; they came in a second time, and went out a third time; I went to see what was become of them; I went to the office, and could not find them; and being pretty much in liquor, I went to a public house at Charing-cross, and left the two bundles; and they were taken away; the time they were out, in shifting the bundles from the table to the form, the book fell out; I took it up, and was reading in it, and accidentally put it in my pocket; the stockings I have had eighteen months.

Court to Hood. You are very sure you never left the prisoner in charge of your bundles?—No, Sir, I never did.

JOHN CALDER *sworn:*

I am in the same company; he formerly had a very good character in the regiment; but I cannot say so much of it since about five months ago.

GUILTY.

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. Baron THOMPSON.*

103. **JAMES CRAWLEY** was indicted for feloniously stealing, on the 27th of January last, one yard and three quarters of India muslin, called turban, value 11s. the property of John Thwaites, privily in his shop.

JOSEPH

JOSEPH CRAIG *sworn.*

I am servant to John Thwaites, linen-draper, No. 306, High Holborn. On Thursday, the 27th of January, between six and seven in the evening, the prisoner came into the shop of John Thwaites, and asked to look at some muslin neckcloths about half-a-crown or two shillings; I shewed him one, and asked him twenty-one pence for it; he said it was not worth eighteen-pence; I told him I would shew him one at eighteen-pence; and immediately did; he bid me fourteen, and immediately turned round, and was going out; I did not like his manner of going out; I followed him; and as he stepped on the threshold of the door, I saw a piece of muslin India turban; and this piece of muslin dropped from under his coat; it fell into the shop; he was without the door, on the threshold; I laid hold of him, and I saw another young man take up the muslin; and he gave it to me; immediately after, I brought Crawley into the shop; I have kept it ever since; it never was out of my sight; the value of it is eleven shillings; it is India turban with British work; it cost eleven shillings; the other young man's name is William Brown; he is not here; Thomas James, and a customer, was also in the shop; they are not here; I saw this piece of muslin before in the course of that day; it was in a wrapper on the counter, in which we put our neckcloths; it was a single one; I did not see the prisoner take it; but I rather suspected him by his manner of going off; I am certain to the muslin, by the mark C. C.

PRISONER'S DEFENCE.

I offered him eighteen-pence, and he would not take less than two and twenty-pence; he bid me to go along for a rascal; and he jumped over the counter; and whether he kicked this muslin off the counter himself, I do not know; I never had it.

Craig. I had no dispute with him before I brought him back; I have not sworn

from any motives of resentment; I am sure I saw the muslin drop from the prisoner.

GUILTY, *not privily.*

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

104. ELIZABETH CAVE was indicted for stealing, on the 1st of February, one man's cloth coat, value 7s. one silk handkerchief, value 18d. one linen handkerchief, value 6d. one man's hat, value 4s. and two shillings in monies, the property of Josiah Wheeler.

JOSIAH WHEELER *sworn.*

I did go out with the prisoner; I was in liquor; I had the articles mentioned in the indictment; I fell asleep; I awoke; I was disturbed by the prisoner putting her hand into my waistcoat pocket; I missed my things; I went to the watchman without a hat and handkerchief; the watchman went with me; I found a coat tied up in a silk handkerchief, and another handkerchief; I gave it to the constable; he has kept it ever since.

JOHN MOORE *sworn.*

I am a constable. This is the property I received from the prosecutor; I found a hat under the stairs in the passage, in the same house where the things were found.

(The things deposed to.)

PRISONER'S DEFENCE.

I am an unfortunate woman. This man met me as I was going home; he gave me these things to take care of.

GUILTY.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. RECORDER.*

105. GEORGE

105. GEORGE EVANS was indicted for stealing, on the 24th of January last, a pasteboard hat-box, value 2d. five child's linen shifts, value 10s. five pair of stockings, value 5s. a skirt, value 12d. a pair of stays, value 6d. three linen handkerchiefs, value 18d. two night-caps, value 6d. two pin-cloths, value 6d. one child's check muslin frock, value 5s. two cloth ditto, value 6d. a tippet, value 6d. and a pair of jean mittens, value 2d. one straw hat with green silk ribbon, value 4d. a silk sash, value 2d. the property of Benjamin Bunn; a shift, value 6d. a pair of cotton stockings, value 4d. a child's green silk sash, value 12d. a pink silk sash, value 3d. a pair of leather shoes, value 12d. a pair of leather gloves, value 2d. and a box, value 1d. the property of Bernard Bailey.

ELIZABETH BAILEY *sworn.*

I live in Bridgewater-square; I know nothing of the robbery; I have an inventory of the things; I am wife of Bernard Bailey; I delivered the things to the coachman; I took a coach at the stand of coaches at the New Church in the Strand, to the Hammermith stage; one of my own children, and two others, were going to Mrs. Heath's boarding-school, at Hammermith Green; I carried two boxes and a paper parcel; I delivered them to the coachman, and saw them put into the boot; it was seven at night, or a little after; I waited there from half after four, in expectation of the governess meeting me, to take charge of the children; as she did not, I brought the children back; I believe the prisoner put the things in the boot, but I am not certain; the coachman gave them to a man, but I am not certain; I saw the prisoner watering the horses; I gave the coachman the things to put into the boot, and took the children back.

WILLIAM FRY *sworn.*

I am the coachman to the Hammermith stage. I remember this lady coming to me, and waiting for the coach; and she delivered to me one wooden box, and a paper

parcel, and one large hat-box; the large hat-box was afterwards missing; I delivered them to the prisoner; he is porter and waterman to our coach; when I delivered the first box, I bid him put it into the boot of the coach; I saw him put it in; the next was a paper parcel; he put that in; then I delivered to him a hat-box, and told him not to leave the coach one minute; he promised me he would not; in two minutes he was missing; by and by he returned and said, six men had knocked him down, and taken away the parcel; I said, it must be him; I saw no men about the coach; he began abusing me, and I had him taken into custody.

HENRY CROCKER *sworn.*

I am one of the patrol. I was in the Strand this night, and received information of a robbery by six men, between eight and nine; that the man was watering the horses, and was robbed by six men; then I enquired where the coachman was; they told me he was gone home, and that the man was the prisoner; I enquired his character, and where he lived; I went to his house, in Orange-court, Drury-lane, not a quarter of a mile off; I could go there and back in five minutes; I knocked at the door; the prisoner came out; I asked him if his name was not Evans or Jones? he appeared to be drunk; I said I had a parcel to go into the country, but you are not able to take care of it; he still persisted he was not the man; but I rushed into the back room, on the ground floor, and perceived these things laying on the floor; he shammed drunk, and knocked me down; we got a light, and we secured him; then I searched all parts of the house; and some of the things I found between the bed and the sacking; some in a little bit of an old box, distributed about; he said it was his house; I have all the things here.

(Deposed to.)

PRISONER'S DEFENCE.

Another coach came in on the stand; and

and he called me to get some water; and Fry was looking into the boot; he said he lost a box; I said I knew nothing of it; being the usual hour to go home, I went up Drury-lane; I saw two men very much in a flurry, one with a bundle under his arm, and some loose things; I went to him, and said, where did you get those things? one of them knocked me down, and I called stop thief! they heaved down the things, and went away; I took them home, intending to come down to the stand to make an enquiry; in a minute these people came down and took me.

GUILTY.

Transported for seven years.

Prisoner. Please to let me go for an East India soldier.

Tried by the second Middlesex Jury before Mr. Justice GROSE.

106. JOHN HARVEY was indicted for stealing, on the 1st of February, one leather boot, value 5s. the property of James Walker.

JAMES WALKER *sworn.*

I am a shoe-maker in Butcher-row. The 1st of February, a gentleman came from his carriage, and knocked at my door, and informed me that a soldier had taken a boot from my window, and which way he was gone; I went after him; I came up with the prisoner, and asked him for the boot? he said he had not got it; I told him a gentleman had informed me so; he still persisted he had it not; he went farther, and there was another in a smock frock, an accomplice, with him; I said, I will not quit you till I am positive; and he said I must take him before a magistrate; but the people came up, and I insisted upon searching him; upon which he gave me the boot out of his pocket; before the Justice he said, coming through the row, a

man with a smock frock came up to him; but first he denied that there was such a man, but that he followed him.

(The boot deposited to.)

PRISONER'S DEFENCE.

Coming down Butcher-row, this young fellow in a smock frock came up towards me; he said, soldier, where are you going? I said, to my quarters; where? says he, says I, at the Bunch of Grapes, just by; he gave me the boot to take to my quarters, and said he would call for it in a quarter of an hour.

GUILTY.

Fined 1s. and imprisoned six months.

Tried by the second Middlesex Jury before Mr. Justice GROSE.

107. JOSEPH CLIFFORD was indicted for stealing, on the 5th day of February last, two silk handkerchiefs, value 5s. the property of Susannah Dixon and Catherine Dixon.

SUSANNAH DIXON *sworn.*

I live at No. 23, Redcross-street, Cripplegate; I keep a haberdasher's shop there; my sister Catherine is partner with me. On the 5th of February, between seven and eight in the evening, a man came into the shop, and took two silk handkerchiefs; there was nobody in the shop; I was in the room adjoining; the handkerchiefs were on a line across the shop-window, close to the door; I immediately ran out, and cried stop thief! and he was pursued and taken; the person is here who took him; I could not see his face; his back was towards me; my sister was with me in the room adjoining; he was brought back in about three minutes after he went out.

WILLIAM EVENDEN *sworn.*

I am a leather-cutter and currier; I live

D in

in Denmark-court, Golden-lane. I was coming down Redcross-street between seven and eight; I had got past the shop-door of Mrs. Dixon: I heard the people in the shop call out; I turned round, and saw the prisoner run out with something in his hand; I pursued, and called stop thief; he threw down the things, and I picked them up; he was taken immediately by a person who is here.

Prisoner. He never was near me.

Evidence. I delivered the things to the constable.

SAMUEL PENDELTON *sworn.*

I am a coachman. I was coming along Redcross-street between seven and eight in the evening; I heard a person cry stop thief! the prisoner was running on the pavement, the same side of the way I was of; I made a catch at him; he shunned me, and ran into the road; I ran after him, and caught him; when I caught him, he begged for mercy, and said it was only a bastard child that they were pursuing him for; I said he must go back with me: Evenden came up in about two minutes; and I took him to the shop.

JOHN EDWARDS *sworn.*

I am a constable. (*Produces the property.*)

(*Mrs. Dixon deposed to the handkerchiefs.*)

PRISONER'S DEFENCE.

I was coming up this street, and I heard the cry of stop thief! and that gentleman kicked my shoe off; I was crossing the way to my mother, who lives in the court opposite.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

108. **HENRY GREEN** was indicted for stealing, on the 10th of February, eight guineas and one half guinea, the monies of Lawrence de Mirbeck.

(*An interpreter sworn.*)

(*The witnesses examined separate.*)

LAWRENCE DE MIRBECK *sworn.*

I know the prisoner to be the same person who was conducted before the magistrate, because he picked my pocket.

What do you know of your pocket being picked, of your own knowledge?—I went out of my house to see St. James's Park, on Thursday, the 10th of February, about four o'clock, in company with two other persons, one of which was a foreigner; on my entrance, I saw one of his Majesty's carriages; it was said the King was coming; we then proceeded into the Courtyard, where the King's coach was; we were impeded in the passage by a throng of people, who, like our selves, were desirous of seeing the king; as there was a croud, the centinels repelled them; that made me imagine there were thieves present; and I turned on the right hand to advise my brother to take care of thieves; at this instant of time I felt something in my pocket; my eyes saw a hand coming out of my pocket; when I saw it, the hand was still in the pocket, when I seized with my left hand, a right hand in my pocket; I only saw guineas in his hand; the prisoner finding himself seized, wished to escape; I cried out, stop! stop! thief! thief! in the first instance I cried out in French; perceiving my outcry in French did not produce its due effect; I then made use of the English language, and called out pickpocket; my fears, lest he should escape, caused me to seize him by the collar; and my brother came from the spot a few minutes after, and joined me in seizing the prisoner by the collar; and the prisoner threw out of his hand against a wall, money he had in his hand; I endeavoured to come and pick up the money which was thrown beyond the curb; and many others helped me; and a child returned part, and two other persons also; I then searched my pockets to see what was missing; and I observed about ten guineas might be missing; but before the magistrate,

trate, I missed eight or nine out of twenty, and some small money.

Mr. Garrow, Prisoner's Counsel. Was it not a very considerable croud?—It might be composed of forty persons.

And the press to see his majesty was almost instantaneous?—Yes.

Was not the person you saw at the magistrate's, an utter stranger to you before you saw him in the Park?—I never saw him before.

This transaction occupied but the very small space of a very few minutes?—It might take up eight or ten minutes.

What was done with the prisoner after you seized him by the collar?—I delivered him into the custody of my brother; and my brother, myself, and Mr. Brookes, conducted him there; I did not lose sight of him.

EVAN BROOKES sworn.

On Thursday, in the afternoon, I went out in company with the prosecutor and his brother, from the Castle Inn, in Wood-street; it was at four; we went into St. James's Park to see the King; we went into one of the avenues that leads into the middle court; there were a vast many people; and we pressed in amongst them; the prosecutor was a little before me; and just as we got into the middle of the croud, I heard him call out in French that he was robbed; and he called out in English, pick-pocket! upon which I immediately turned round, and saw the prosecutor and his brother collaring the prisoner at the bar; I asked the prosecutor if he was certain it was the prisoner that robbed him? he answered he was very positive he was the man; the prisoner must have heard him; but he spoke in French; upon which I immediately collared the prisoner; I never let him go till I got into Bow-street; and he was committed; I did not observe the prisoner do any thing whilst I was collaring him; I heard money roll on the pavement; I saw none picked up nor delivered to him.

Mr. Garrow. You understand French very well?—Not very well.

JOHN ADAMS sworn.

I am in the wine and brandy trade, in Bishopsgate-street. I was in the passage leading to the Court-yard, last Thursday evening, near half past four; and just before the Duke of Gloucester came to his carriage, I felt a violent motion in the passage; I thought the motion was a made one, and suspected pick-pockets; and immediately the prosecutor bawled out, and gave me to understand he was robbed; and I collared the prisoner; and then he looked on the ground for some of his property; and the prisoner made a struggle to get away from the brother, and fell against me; and some of the money, gold and silver, fell on my foot; I saw both gold and silver, but could not say the quantity; it appeared to me to fall from the prisoner; but I cannot say positively, for I did not see it fall from his hand; the prisoner was close to me; I stood near to him; he was telling the person who had hold of him, that it was not him; he came right against me; and I imagine it was the shock he received by that fall, threw the money out of his hand.

Was there any person so near as the prisoner?—None; but there was another person that seemed to be interested in the affair, with him; which I suppose by his being so anxious to get up to him; he seemed as if he would rescue him; he pushed with his elbows, and got through a great many people, and got quite up to him.

Mr. Garrow. I take it for granted, upon the outcry, that many persons pressed to see who was the offender?—Many persons could not press.

How big is the passage?—I think I have had the pleasure of seeing you in the Palace-yard.

I fancy you are mistaken; I am more acquainted with the geography of courts of justice, than with palaces. This person did not attempt any thing like a rescue?—No, he did not; the money fell before.

JOHN

JOHN SHALLARD *sworn*.

I am an officer belonging to Bow-street. I searched the prisoner; there I found five guineas and a half, and some silver.

Mr. Garrow. You found it in his fob pocket, under his watch.

Prisoner. Did not I mention to you what money I had about me?—I think there was something like that mentioned.

Prisoner. My Lord, I am not well; but I have wrote out my defence, if you will permit me to have it read.

Mr. Garrow. Let me look at it.

(*Handed to Mr. Garrow.*)

Read.

Gentlemen of the jury. The situation I am in, and the troubles of a distressed mind, has rendered me incapable of addressing you in the manner I could wish; but, gentlemen of the jury, you think it a duty incumbent in me to state to you the reason of my being at the place where this unfortunate affair happened. Gentlemen of the jury, on the 10th day of February, at four o'clock in the afternoon, I had a note to go to Brentford, with an order for three hats; I took the note to the White Horse Cellar, in Piccadilly, and gave it to one of the men that drive the Brentford stage, to be taken to Mr. West, hatter, of Brentford; in my return back to my own house I stopped a few minutes to see the Duke of Gloucester get into his carriage: gentlemen of the jury, the prosecutor come down the passage with several people following him, and pushed himself in order among the people, to see who it was that was getting in the carriage. Gentlemen of the jury, I observed a man that I thought was rather too intruding, and pressed much upon the gentlemen, which I took particular notice. The gentleman had not been there above two or three minutes before he cried out, in broken English, my guineas! my guineas! and took hold of me as I stood by him. Gentlemen of the jury, I told him it was not me; but it was that man in the brown coat, and requested that

they would lay hold of him; but the gentleman not understanding English, did not know what I said: gentlemen of the jury, I still cried out, lay hold of him, and rushed myself as forward as I could, in order to secure him; when he found that, he dropped the money from his hand, which caused a great consternation amongst the people, for many was down to pick up the money, which gave him an opportunity to make his escape. Gentlemen of the jury, I told him I would give him every satisfaction that he would require. I was asked what money I had in my pockets by the people present; I told them I had five guineas and a half in gold, and a quarter dollar in silver, in my fob pocket, underneath my watch; my watch chain was hanging out at the same time. Gentlemen of the jury, I was taken to Bow-street, and was asked there what money I had about me; I told them the same as I said before, which they found to be right. Gentlemen of the jury, I have a wife much oppressed with grief and trouble at this unfortunate affair: I have a son at the age of sixteen, which I have put apprentice to a respectable gentleman in the city of London: it is for their sakes, gentlemen of the jury, that I plead to you for justice. Gentlemen, my circumstances in business has rendered me capable of living happy and comfortable, therefore I could not think of committing an act of this kind, when I was not in distress. Gentlemen of the jury, I am now at the age of forty-seven years, and from my earliest days down to this unhappy time, that my character was never brought into question before; gentlemen of the jury, I have a few friends that will appear to my character; they will tell you that I have transacted business for them with honour, punctuality, and honesty. Gentlemen, before this unfortunate affair happened I was going into business with a gentleman in the country, whose business I have carried on in town for some years.

The prisoner called fifteen witnesses, who all gave him a very good character.

The

The jury withdrew for some time, and returned with a verdict

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

109. JOSEPH FRANCIS was indicted for stealing, on the 2d of February, one mahogany knife-case, value 2s. the property of Warrender Pringle.

ANN CLEAVER sworn.

I live at the prosecutor's: I was in a back parlour: there is a glass in the door: I saw the prisoner in the shop: I did not see him come in: ours is an open shop: nobody was with him: I saw him take a new knife-case, and put it under his arm: he took it from a butler's tray that stood on a mahogany table: they were for sale: he walked out of the shop: I followed him: and about five doors from our shop, I called out, stop that boy: he walked away: and I saw him put down the knife-case in the street, on my calling out: I took it up, and returned into the shop: the boy turned down an alley in Berwick-street; and he was brought back to our shop in three minutes: it was not five minutes in the whole: *(the knife-case deposed to)*: the boy denied taking it.

Prisoner. I know nothing about it.

The prisoner called two witnesses who gave him a good character.

GUILTY.

To be fined 1s. and imprisoned six months.

Tried by the second Middlesex Jury before Mr. Baron THOMPSON.

NUMB. III. PART I.

110. DAVID MASON was indicted for stealing, on the 13th of January last, one cloth great coat, value 6s. the property of Daniel Maclearin.

Mrs. MACLEARIN sworn.

My husband is a taylor in Chesterfield-street. I was sitting by the fire with my children (the front door was open) about half past six: I thought I saw something move in the shop: and I saw a coat partly out: I saw no hand: I cried stop thief! and ran to the end of the street: I saw nobody there: on the Saturday following I saw the coat: on the Tuesday following I saw the prisoner in custody of the patrol.

JAMES DORLEY sworn.

I am a patrol of St. George, Hanover-square. On Thursday night, about a quarter after seven, I saw the prisoner in James-street, Grosvenor-square, with two others: I had seen them twice before that evening: the last time I saw him was about a quarter past seven in the evening: I followed the prisoner before he could offer it for sale: it was at a house suspected to receive stolen goods: I asked him how he came by this coat? he said he bought it of a young man: I laid hold of him: the other man ran away:

(The coat deposed to.)

PRISONER'S DEFENCE.

I had a shovel mending in St. James's-street. My mother said to me, go and see if your shovel is done: at the end of St. James's-street, I saw two young men with this coat; and they asked me if I wanted to buy a coat? I told them yes: that my mother had been speaking to me, if I saw a tidy coat, she would buy it for me; they asked me six shillings: I told them to come with me to my mother: I took the coat under my arm, and went to see whether my shovel was done: they went along with me, and stood at the door: I went in to know if my shovel was done, and the patrol

patrole followed me in: he asked what I had? I told him a coat; and as soon as those men saw I was taken hold of, they ran away, and they took me into custody.

GUILTY.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. Baron THOMPSON.*

III. JOSEPH REES and THOMAS GOODMAN were indicted for stealing, on the 30th of January last, one hundred and twenty pounds weight of lead, value 18s. belonging to the Right Honourable Nathaniel Lord Harrowby, affixed to his dwelling house.

RICHARD SERJEANT sworn.

I am a carpenter. I examined part of Lord Harrowby's house, in Park-street, Grosvenor-square; the servant in care of the house, came to me on Monday, the 31st of January; and I went there about four in the afternoon; and from a flat over the kitchen, there was some lead missing; a considerable quantity; it was cut into narrow pieces, and tore off the ends of the sheets; the lead was produced to me by Shallard, which I fitted the next day; there is an arched passage from the house to the kitchen; and it was the lead upon the kitchen; part of five sheets were gone.

JAMES SHALLARD sworn.

I am one of the patroles belonging to Sir Sampson Wright. On Monday, the 31st of January, between seven and eight in the evening, I was on duty in Hyde Park; I saw three men pass at a distance towards Grosvenor-gate, a very small distance from Lord Harrowby's; the hindmost man appeared to have something on his head; I immediately went after them, and stopped the last man, which is Rees, and sent Cridland, the other patrole, to go after the other two; the man I stopped, had his

coat buttoned, and a smock frock over it; he had this lead under his coat: Brothick, another of the patrole, was with me, and took this piece which was on his head; Cridland brought back the other two men, and I secured all three; the third man was discharged, no lead being found on him; I went with Mr. Banner the plumber, the day after, to Lord Harrowby's; and we fitted the lead together with Mr. Serjeant; we found it exact; it was not half a quarter of what was wanted; I found a knife on Goodman.

JOSEPH CRIDLAND sworn.

I am another of the patrole: I was with Shallard the 31st of January, in Hyde Park; I saw three men going by; and Shallard cried out to me, Joe, Joe, stop these two men, they have something about them; Shallard had stopped the last man, which is Rees; I ran after Goodman; and just as I came up to him, I perceived him throw something down; I went after him, and laid hold of him; there was another man close behind me, belonging to the patrole, James Anderson; I gave him to him, and went after the other; I stopped the other, and brought him back to Mr. Shallard; then I went to the spot where I saw Goodman throw something down; and I found these two pieces of lead about three or four yards from the place where I stopped Goodman; I took the lead to a public house in Bow-street, and delivered it to Shallard.

Shallard. That was a part of the lead I tried at Lord Harrowby's house.

CHARLES BROTHICK sworn.

I am another patrole. I was on duty this night in Hyde Park; I saw three persons go past us; I went up to the last with Mr. Shallard; I put my hand to his head, and took this piece of lead from his head; that was from Rees; I carried the piece of lead to Bow-street; and it was delivered to Mr. Shallard.

Shallard. That was other part of the lead.

——— BAN.

BANNER SWORN.

I am a plumber. On the 1st of February, I was sent for to replace some lead that had been stolen from the flat in Lord Harrowby's kitchen; I found five sheets had been cut, part of which was taken away; and I understood some lead was at Bow-street; and I ordered that the lead on the flat might not be removed till I had been in Bow-street; I went there, and was shewn some lead; and Mr. Shallard and me took the lead in a coach to Lord Harrowby's, and opened it on the flat in four separate pieces, which matched; three of them to the lead that was cut, and one of them to the knot in the board, by a mark of turpentine; as the lead lay there, matched to the others with a knife, I cut off these two pieces with a knife which was found in Goodman's pocket, the shape and strength of which was very convenient for the purpose; I have not the least doubt but that lead was cut from this flat: I suppose, at least, twelve hundred pounds weight was taken away; this is a gross hundred and eighteen pounds, which is one hundred and thirty pounds weight; there is an open railing into the park, through which the lead might be handed.

PRISONER REES'S DEFENCE.

I had been at Kensington with a letter; I was coming back; and close by Lord Bathurst's house, I saw these three pieces of lead lay; one was tied up in a handkerchief; I picked that up, and opened the handkerchief, and saw it was lead; and I took the other piece and put under my arm, to find the owner; and just by the basin in Hyde Park, Goodman passed me, and bid me goodnight; and another young man passed me afterwards, and bid me goodnight; in two hundred yards I saw Sir Sampson's officers stand by the basin; and that gentleman, Shallard, immediately asked me what I had there. I said it was lead; he asked me who the other two men were? I told him I did not know; I told him there was another piece behind; and I asked him to go the basin again, on the

night this was missing; I was about thirty yards off.

PRISONER GOODMAN'S**DEFENCE.**

I was coming from Knightsbridge, and they took me into custody, and immediately asked me if I knew the other two men? I said no.

Mr. Shallard. They were all three walking one after another; I cannot say whether they were in company; they were not above two yards asunder.

BOTH GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before

Mr. Baron THOMPSON.

(John Belville put to the bar.)

Mr. Recorder. Can you speak English, as to be perfectly satisfied with what they may swear against you?—No.

Do you wish for an interpreter?—Yes.

Do you wish for an interpreter to interpret into French or German?

Mr. Fielding. Do you desire to have an interpreter?—If you please.

Are you not master enough of the English language, to understand what is sworn against you?—No, not many words.

112. JOHN BELVILLE was indicted for stealing, on the 25th of January last, in the parish of St. George's, Hanover-square, two silver candlestick snuffers, value 10s. a silver snuffer-stand, value 2l. 12s. a pair of silver snuffers, value 15s. the property of our Lord the King, in his dwelling house.

(The interpreter sworn.)

(The case opened by Mr. Fielding.)

May it please your Lordship. Gentlemen of the Jury, you have collected by this

this time; from the indictment which has been stated, that the charge against the prisoner is that of stealing silver plate from one of the royal palaces at one of the Queen's houses. Miss Burney, a lady who has the honour of attending her Majesty, has apartments at the Queen's house; the prisoner had been formerly in her service; he knew the apartments and the property, and how to gain access; but I believe, at the time when the present felony was committed, he was not in her service; the felony was certainly committed on the 25th of January last. Gentlemen, some time in February following, a Mr. Heather, to whom the public have been in very many instances extremely indebted, as a pawnbroker, was applied to by the prisoner, who pulled from his pocket several pieces of silver; Mr. Heather immediately suspected him; he searched him; and in his pocket he found other pieces; he gave immediate notice to Sir Sampson Wright; the man was apprehended; he had not undergone an examination long, before he was sent to a neighbouring house; and a person of the name of Macmanus happened to be there; the man, alarmed at his situation, asked him what would become of him? Macmanus said it was impossible for him to say; probably he might be hanged; but told him the best thing he could do, was to tell all he knew; in consequence of that he then made the discovery, which I humbly conceive would have been better for him to have made to day; that he was walking in St. James's Park; he saw this property; he was in extreme distress, and was tempted to go into those apartments to take this property; I shall therefore call to you the maid of Miss Burney, who discovered the noffels of the candlesticks being taken away; the consequence of the discovery made to Mr. Macmanus; he likewise told him the place where he resided; he immediately went to his apartments; and there some other property was found, bearing the royal arms of England. You, gentlemen, will hear the evidence, and then there can be no doubt in your minds of his guilt.

ELIZABETH GOTER *sworn.*

I live servant with Miss Burney; she attends the person of the Queen, and has apartments in Buckingham-house, in a passage below the Queen's dressing-room. I knew the prisoner when he was a livery servant to Miss Burney, four years ago next May; there are porters at the door; on the 24th of January last, I snuffed the candles out, and left two candlesticks on the table; one I left burning in a bason, and one the servant took down stairs; so that there were three candlesticks left on the table in the room, and a pair of silver snuffers, and a silver snuffer-stand; I am not certain whether I shut the outer door of the sitting room, that goes into the passage; and I slept in the bed-chamber with Miss Burney.

WILLIAM MOSS *sworn.*

I am servant to Miss Burney. On the morning of the 25th of January, when I went into her apartment at half after seven, I found two noffels taken out of two of the candlesticks, and the snuffers and stand gone.

JOHN BECK HEATHER *sworn.*

I am a pawnbroker, in Long Acre. On Friday, the 4th of February, I received a hand-bill from Sir Sampson Wright's office, desiring me to be very particular if any of the property of the royal family should be offered to be pledged; on that Friday, about twenty minutes after, about twelve o'clock, I was called into the shop by my servant, and saw the prisoner, who had been offering this plate to sell to my servant; I asked him how he came by this three pieces which were brought to me by my servant? and he said he had had them seven years; I seized him by the collar, and charged him with robbing Buckingham-house; he said he had had the silver seven years by him; I searched him, and found this piece on him, in his right hand waistcoat pocket; I sent for a constable, and he was taken to Sir Sampson Wright's.

MOSES MORANT *sworn.*

I am an officer of Sir Sampson Wright's. I searched

I searched the prisoner; and in his left-hand waistcoat pocket, I found these three pieces; I said nothing to him; he had no examination before he went to the Brown Bear.

PATRICK MACMANUS *sworn.*

I know the prisoner; I saw him at the office; I heard him tell Sir Sampson that he found those first pieces of silver, rolled up in a paper, in Tavistock-street; Sir Sampson asked him several questions, and desired me to go over with him into the back parlour at the Brown Bear; and I talked to him a great while; and he still continued in the story that he told Sir Sampson; then I said I must go to St. James's; and he said, whatever gaol I go to, you will come and see me; I shall want to speak to you; then he desired me to put out the keeper of Bridewell's servant, who was in the room, which I did, and he went out; then he told me it was the Queen's plate; that is, the pieces that he before said he had found; he asked me, what do you think they will do to me? I said, why what is found upon you will very likely cast you for death; and denying the rest will do you no good; it will only make you more roguish; then I told him to say no more; and Sir Sampson sent for him, and asked what he had to say? and he turned round to me, and said I was to speak to Sir Sampson; and up in a garret, No. 27, Denmark-street, in a room of Mrs. Coltain's, who used to wash for him; I found her lodging there; I went up stairs, to the top of the stairs; and I found a trunk there which I took to Bow-street; and the prisoner gave me the key; the prisoner had before that told me he had a trunk in that room, in the garret; I recollect now, Morant gave him the key, and he gave it to me.

Morant. I took his keys from him, amongst which was this key.

Macmanus. I found these in the trunk.

(One silver nessel, a pair of silver snuff-boxes, and stand, produced.)

NUMB. III. PART I.

Mrs. Goter. I believe these are things I left in the room.

— **WILLIAMS** *sworn.*

I belong to the silver scullery; I deliver out the plate to the several apartments. Miss Burney had a long while in her care, four candlesticks, a pair of snuffers and stand; these are the same I delivered to her: *(looks at the three pieces of plate which Mr. Heather shewed him, and the little piece that Mr. Heather found in his pocket)*: that has no mark; but the royal arms are on the other; and the royal arms are also on one of the pieces taken by Morant; there are part of the arms on the nessel; they are the property of his Majesty.

Court to Mr. Heather. Have you weighed the silver?—Yes.

What is the value of it?—It is worth four pounds two shillings, at five shillings per ounce.

PRISONER'S DEFENCE.

As I had pleaded what I have done to Sir Sampson, when I delivered myself over to Sir Sampson and to Mr. Macmanus, I hoped he would have begged the favour of the Jury, if I was to have been tried, to have mercy on me, a poor unfortunate foreigner! necessity has drove me to it; when I went out in the morning, I had not a farthing in money; I had not a thought to go there; but this lady has been the cause of my coming down so low in this country: I came home with a gentleman, a Captain Brown; I lived with him six years; I was persuaded to go into Miss Burney's service; when I came there, I was quite innocent in a case like that; I was not there a fortnight, before I found some enemy against me; I was not there above three months; it brought an illness upon me which put me quite in confusion; I have wrote several letters to Miss Burney, that if she will say as she should say, that I am not quite right in my head at times, from illness and distress; but all I beg now, is for God's sake, if the Jury will be

F so

so kind to shew mercy to me, a poor unfortunate creature! and I promise to go as soon as I can get a little money among my countrymen here; I wish to go home to my native country, and never to return to England any more; I could have brought several respectable gentlemen in the city, who know me, to my character, but I had not money to send for them.

Court to Macmanus. Did you go to the trunk the same day, where he told you it was?—Immediately.

Was it in the office that the prisoner gave you the key?—Yes.

GUILTY, 39s.

To be transported to the eastern coast of New South Wales, for seven years. (Aged 38.)

Tried by the second Middlesex Jury before Mr. RECORDER.

113. PETER DAVIS was indicted for stealing, on the 9th of February, two cotton gowns, value 10s. one cotton skirt of a gown, value 5s. the property of Jane Payne.

JANE PAYNE *sworn.*

I live in Wood-street; I sell old clothes. On Wednesday morning between eight and nine, the 9th of February, I went out for a roll; the goods hung in the window; when I came back, the prisoner at the bar was the outside of the parlour door, with the things in his lap; I asked him what he wanted? and he answered, she, she; and he had the gown in his hand, and a painter's brush; I laid hold of the gown, and called assistance, and no one came; at first he opened the door; I called out, and Brookes came in and took him.

Mr. Garraw, Prisoner's Counsel. What part of the house do you live in?—In the lower part of the house; the door is always shut.

BROOKES *sworn.*

I am a stonemason; I was going home about eight o'clock: I heard Mrs. Payne cry out murder and thieves; I saw the prisoner come out of the house; and I took him, and gave him to the constable.

(The things produced and deposited to by prosecutrix.)

The prisoner called three witnesses who gave him a good character.

GUILTY.

Whipped.

Tried by the London Jury before Mr. COMMON SERJEANT.

114. ANN BROWN, alias McPHERSON, was indicted for stealing, on the 10th of February, three muslin shawls, value 10s. the goods of William Purton and Charles Cooper, privately in their shop.

THOMAS GASCAINE *sworn.*

I am shopman to Mess. Purton and Cooper, linen-drappers, in Fleet-street, No. 47. On the 10th of February, about eleven, the prisoner came into the shop, and desired to look at some shawls; I stood a little distance from her; the porter reached them out; I came up just as he had reached them out; she asked the price of three or four different patterns of shawls; she asked me to cut her half a one; I told her we never did cut any; she then asked for a quarter of a yard of brown Holland, that lay on the other side of the shop; I turned round to come to the other counter, to shew her the brown Holland; as I turned round, she was crossing; about the middle of the shop I perceived something dropping from under her cloak; I could not tell what it was; I suspected she had stolen some shawls; I desired another person to shew her the brown Holland; and I went and examined the shawls I had shewn her; I missed some;
I cannot

I cannot say how many; I told Mr. Cooper I suspected her; she had bought a quarter of a yard of brown Holland, and was going out; I laid hold of her by the arm, and desired her to walk with me into the other shop; I told her she had got some shawls; and upon taking her cloak aside, there were three shawls; I gave them to Mr. Cooper, and he gave them to the constable.

Where was the porter?—He might be standing behind a minute or so; but I think if he had been behind when she crossed the shop, he would have seen her take them.

It is probable he might?—Yes, certainly he might.

(The shawls produced and deposed to.)

What is the value of them?—They cost near thirty shillings.

Mr. Knapp, Prisoner's Counsel. Do you know how many pieces of shawls there were?—No.

Prisoner. I leave it to my counsel.

AMBROSE BALDOCK sworn.

I live in Great New-street, Fetter-lane. I have known the prisoner six years; she is a sober honest girl.

ROBERT STEWART sworn.

I live in Brewer-street, Golden-square. I have known the prisoner from a child; she bears a very good character.

JOHN SMITH sworn.

I live in King-street, Covent-garden. I have known her seven years; she bears a good character.

Mr. GRANT sworn.

I have known her seven years; she bears a very good character.

RICHARD ARNOLD sworn.

I have known her seven years, a very honest industrious girl.

Mrs. PAYNE sworn.

I have known her near six years; I would have trusted her with untold gold.

The prisoner called three other witnesses who likewise gave her a very good character.

GUILTY, not privately.

Recommended by the Jury.

Privately whipt, and imprisoned one month.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

115. **JOHN DENNY** and **JOHN WILSON** were indicted for stealing, on the 13th day of January, one cambrick handkerchief, value 10d. the property of John Daniel.

JOHN DANIEL sworn.

I live in Bridge-street, Black-friars. On the 13th of January last, I was walking from Cheapside, into Bridge-street, in company with a gentleman; we heard a scuffle behind us, which was occasioned by Gobythus, the next witness, having taken the two prisoners into custody; we stopped to enquire the reason; and a person handed my handkerchief to me who was passing by.

Who has the handkerchief?—Gobythus, the witness; I did not see the prisoners take it.

Did you look to see if you missed your handkerchief?—Yes, I did, and it was gone; I know the handkerchief; there is a mark on it, J. D.

JAMES GOBYTUS sworn.

I am a constable; I had been to Bride-well; and I was coming along Cheapside; I saw the prisoners following a gentleman; and I had a suspicion they were going to pick his pocket; I crossed the way and kept opposite to them; I saw them attack a gentleman's pocket at the end of Friday-street; he went down Friday-street; they went on; and I followed them; and in St. Paul's-church-yard, I saw Mr. Daniel and a gentleman arm in arm; I saw Wilson lift the flap of the gentleman's pocket up that was

was with Mr. Daniel; the gentleman crossed the way at the top of Ludgate-hill; they followed them very closely; and then Wilfon lifted up the other pocket flap of the gentleman's; and he had nothing there; then he felt at Mr. Daniel's inside pocket; and then he felt Mr. Daniel's pocket again; and I saw him take out a handkerchief, and give it to Denny; I immediately ran across, and laid hold of them; then I saw Denny throw the handkerchief down; I desired a gentleman to take up the handkerchief, and give it to Mr. Daniel; I told Mr. Daniel, and he was much surpris'd that he had lost his handkerchief; Mr. Daniel looked at it, and there was his mark on it; I searched them, and found a silk handkerchief on Denny; I then took them to Wood-street Compter.

(The handkerchief produced and deposed to.)

PRISONER WILSON's DEFENCE.

I was going along Ludgate-hill, and that gentleman took me: I was going to see a ship mate: I was not within three or four yards of the other prisoner.

PRISONER DENNY's DEFENCE.

I never touched the handkerchief.

BOTH GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

116. THOMAS PATTON was indicted for stealing, on the 4th of February, a woollen jacket, value 7s. the property of William Freer.

WILLIAM FREER *sworn.*

I am a salesman. I lost a woollen jacket on the 4th of this month; it was pinned up to the door along with other clothes: I did not see the prisoner take it; I was behind the counter; and I saw the clothes move; I came out, and the jacket was

gone; and I seized the prisoner by the collar, and he had the jacket in his hand: I sent for a constable and delivered the jacket to him: there was my mark on it E. Z. he said somebody gave it him.

JOHN NEGUS *sworn.*

I am a constable. *(Produces the jacket.)*
Prosecutor. Here is my mark on it.

PRISONER's DEFENCE.

I was coming past this gentleman's house, and the jacket was lying, and he came out and took me.

GUILTY.

Whipped.

*Tried by the London Jury before
Mr. RECORDER.*

117. EDWARD WHITAKER, JOSEPH AUDREY, and SARAH WALKER were indicted for stealing, on the 14th day of February last, eleven silk and cotton handkerchiefs, the property of William South, privately in his shop.

WILLIAM SOUTH *sworn.*

I keep a haberdasher's shop, in Silver-street, Wood-street. The prisoners stole some handkerchiefs out of my shop: I was not at home.

DEBORAH SOUTH *sworn.*

I am sister to the prosecutor. I heard a kind of rustling in the shop; I looked up and missed the handkerchiefs; I said, the handkerchiefs are gone: they were hanging on a wire near the shop door: there were forty-two of them: I did not see them go: I called a lady from above stairs and my brother; and she was taken the next day; I saw her at Guildhall: it was about half after seven as near as I can justly say: it was last Monday evening.

REBECCA MADDEN *sworn.*

I was up stairs; I came down on the call immediately: I spoke to the woman at the

the bar, and she appeared very much frightened. I know nothing further than what this lady has said. She bid us good night.

RICHARD WILLEY *sworn.*

I am a patrol belonging to St. Sepulchre's within. I was going my rounds in Long-lane, between two and three, and I and my partner went in there, and we saw Whitaker and Audrey in the publick-house; the Half Moon; the name is Meredith: I took particular notice of their swearing and blasting, and of those handkerchiefs, which were about Whitaker's neck, that they were not trimmed; and I took them for thieves: I searched Whitaker, and took these two handkerchiefs on him, but nothing else: Whitaker said, he bought the handkerchiefs in Golden-lane, and gave eighteen pence a piece for them; the other prisoner said, he gave three shillings for his; Audrey open and voluntarily said, Whitaker took them out of a shop in Silver-street, while he was standing by; I told him, if he would make his story good before the Alderman, he might shew him some mercy; but he said nothing before the Alderman: I saw him sign the confession himself, and I saw the magistrate sign it; and Sir James Sanderson said he would contrive to be on the bench if he could: after we took the prisoners to the Compter I knocked up the young woman in Silver-street, and informed her. There was no promise or threat in the world.

(The examination read, omitting the name of the woman.)

" London. The voluntary confession
" and examination of Edward Whitaker,
" taken before me, as follows: he says,
" that on Monday evening last, the 14th
" of this instant February, he went into
" the shop of Mr. William South, of Sil-
" ver-street, and took therefrom a parcel
" of silk and cotton handkerchiefs, of
" which he believes this produced before
" me to be a part. Subscribed with the
" letter E. *(not legible)* only sworn.

NUMB. III. PART I.

SAMUEL ROBERTS *sworn.*

I am a constable. When they brought up the prisoners I examined them; and Whitaker said, he gave three shillings for the two; Audrey said, he gave three shillings for his one; afterwards he said, they were taken in Silver-street: I believe the patrols made him promises: when he came into the watch-house again, he said he waited against the post, by the Bird Cage, the corner of Silver-street; and after that he said there was a woman with them; then he said, some of them were sold in Rotten-row: we found the handkerchiefs at the daughters of Mrs. Rogers; she delivered them up without any search at all; these are them; here are eight all in one piece.

SAMUEL SIMON CARTER *sworn.*

I am another patrol. *(Deposed to the same effect.)* I took this handkerchief off of Audrey's neck; he said, they stole them from a shop in Silver-street, by Wood-street: Audrey said there was sixteen of them stole, and I heard Whitaker say so.

(The handkerchiefs produced.)

ESTHER ROGERS *sworn.*

Whitaker and the woman prisoner came and asked me to buy some handkerchiefs; I said no, but looked at one: they said, I should not have one without I bought the whole: I gave ten shillings for the eight handkerchiefs; I laid the money on the counter; but which of them took it I know not: I went to my daughters with intent to make them a present of them; then Roberts and Willey, the officers, came to me for the handkerchiefs, and I went back to my daughter, and gave the officers the handkerchiefs: I keep an old iron shop: my husband is a carpenter. There are eight handkerchiefs in one piece, and three single ones.

(The handkerchiefs deposed to by prosecutrix.)

There is some marks of paint by which I know them by, which they got from the

G

wire

wire they hung upon ; I know them to be the same.

JOSEPH AUDREY's DEFENCE.

The officers of the night took me up, and they made me drunk, by giving me so much liquor.

EDWARD WHITAKER's DEFENCE.

The woman prisoner shoved me against the window.

SARAH WALKER's DEFENCE.

I with the witnesses to be examined separate. I am a child's pump maker. I never received any money for the handkerchiefs ; I know nothing about them : I never saw the other prisoners in my life.

The prisoner Whitaker called two witnesses to his character.

The jury withdrew for a quarter of an hour, and returned with a verdict

WILLIAM WHITAKER,	} GUILTY,
JOSEPH AUDREY,	
SARAH WALKER,	

Of stealing, but not privately.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

118. LAURENCE M'KENZIE and THOMAS GILBERTHORPE were indicted for feloniously stealing, on the 3d of February, three cornelian stone seals, set in gold, value 3l. one gold watch key, value 10s. the property of Samuel Thornton.

The case opened by Mr. Garrow.

SAMUEL THORNTON *sworn.*

I am a corn dealer in Mark-lane. On the 3d of February, Thursday, I took a boat, and came to Westminster-hall ; and I went to the Court of King's Bench door, the Bail door, and could not get in there ;

and then I went to the curtain, and the first person I saw there was Mr. Peatt ; he had the curtain in his hand, and made way for me to put in my head ; nobody was behind the curtain but myself and Mr. Peatt : the court was so full I could not get any further than the curtain : I said to Mr. Peatt, how do you do, Sir ? he said, how do you do, Mr. Thornton ? I will make room for you ; and I held the curtain with my hand, to keep the curtain from hurting Mr. Peatt ; and in a moment I felt a pressure on my groin, and then put my left hand under my right waistcoat pocket, and missed my seals ; I thought my watch was gone ; then I put down my right hand : I had three seals and a key hanging to my ribbon, which were gone ; but I afterwards found I had not lost my watch ; but thinking I had, the first word I said was, my God ! I have lost my watch ; and I said, Mr. Peatt, will not you assist me ; and then I found an arm under my right hand waistcoat pocket, which I seized ; I kept hold of the hand, and never let it go for some time ; I observed it belonged to Mackenzie, as I found his name was afterwards ; I said, you have got my watch ; he said, I have not ; at that moment of time I observed a boy came from under my legs ; that was Gilberthorpe ; I secured him, and said, you have got my watch, as I said to the other ; and he said, no, I have not ; I then said, you have got my watch, to which he said either I or we (I am not certain which, but I think it was I) have not got your watch, you have got your watch, and I found my watch quite down at the bottom of my fob, which is very deep : Mr. Peatt was standing by me ; and I said, good God ! will not you help me ? and then he left me ; there was nobody else present but me and Mr. Peatt, and the two prisoners, at the time I kept holding the two prisoners, about three minutes ; at last a gentleman came out of court, and said, what is the matter, Sir ? I said, I will thank you for your protection, Sir : I could get no farther ; and immediately I heard something drop ; I did not observe who it dropped from ; I rather think

think from Gilberthorpe; and I saw my seals on the ground; I picked them up, and took care of the lads; they were mine; three cornelian stone seals, set in gold, and a gold watch key; I have had one of the seals this four or five and twenty years; and the other two, two and twenty years; I went into court and Lord Kenyon committed the two prisoners: nobody was by at the time the seals were picked up but the two prisoners and Mr. Martyr; the seals and key were cut away from the watch: I received a letter that night from Mr. Dalton, of the Crown Office, to send them to him; I sent them by my servant, and he brought them back: I am sure they are mine.

Mr. Knowlys, Prisoners Counsel. You pushed very much to get in?—Yes; to hear Judge Buller; he was speaking: I suppose I was three or four minutes, when I felt a tickling on the lower part of my belly: nobody was near me but Mr. Peatt; nobody was near me by a couple of yards.

Who passed you or came near you during the time you observed what passed?—I did not observe any body, nor any body to come to look into the court: I had the curtain in my hand.

Who was standing by the curtain?—Mr. Peatt, and I the outside of him.

Were there not persons looking on the outside of the curtain as well as himself?—No; there could not; I did not see any body; they could not peep in: they could not look without my feeling it.

Any body trying to come in would of course have pushed you?—Then of course I should have looked.

That is not the way to answer?—I felt no push.

Was not Mackenzie at the time you felt the push coming in?—I felt some sort of tickling at the bottom of my belly.

Would not his trying to come into court have given you that same sort of sensation?—No; it would not: my arm was up: the waistband of my breeches was extended: Mackenzie was on my side; I was nearest to the hall: nobody could come behind

me and the curtain all before me: my back was out of the door: I stood fronting the door.

With the curtain in your left hand, and he came to your right hand?—I cannot answer you any other, was I to stand here eight and forty hours.

You are not new to this court; you have attended here very often: give me a plain answer; first of all, was his hand under your pocket? was it as my hand is now?—I caught his arm close to my side; his left hand next to my side.

Was the hand under your waistcoat?—Yes; it was; the hand was not clear off my hip bone.

Mackenzie made no answer about having your watch, as Gilberthorpe did?—He did not. I will not swear from whom the seals fell; but if I was inclined to swear, I should swear that they came from Gilberthorpe, because he kept fumbling: Mackenzie had only one hand at liberty; if he had any thing he could not have got rid of it only with one hand: I heard the seals fall.

How long have you had that string?—About five months; I cannot see that it was cut at all.

Jury. Could not you find that it was cut?—No.

Court. At the time you say this ribbon was cut you say that the seals dropped off; there must have been knots to tie the seals.

Mr. Knowlys. There is no part of the ribbon that can shew us by the sight of it, whether they fell from wear, or whether they fell from cutting?—No; there is not. I saw no piece of ribbon upon the ground: they did cut both ribbons: I told Lord Kenyon I did not see the piece of ribbon: I saw no ribbon with the seals: I am sure it was cut double, because I carried the watch, and held it up in the court; it was cut strait off; even; both parts alike.

I understand you to say, that there was this remarkable difference in the answers of the two persons; when you charged Mackenzie he said, I have not your watch; when you charged Gilberthorpe he said, Sir, I have not your watch, you have your watch:

watch: did he assign any reason to you, or say how he came under your legs?—No, Sir; he said, let me go; I am a very good lad; I am son to an apothecary in Shoe-lane.

JOHN MARTYR, Esq; sworn.

On the 3d of February, the day mentioned in the indictment, I was in the Court of King's Bench, just within the court; there was a considerable scuffle; a noise without the curtain; which I suppose continued two or three minutes; I went out of the court and saw Mr. Thornton, the prosecutor, very much agitated; I said, what is the occasion of this noise? Mr. Thornton said, I have been robbed, and that the two people that were near him, who were the prisoners, were the people that had taken his watch; I particularly observed the string of his watch hanging out of his pocket; and I particularly observed that the string appeared to have been cut, and that there was no knot, and that I am positive of: he immediately took his hand out of his waistcoat pocket, and said, God bless me! here is my seals, my watch is safe; to the best of my recollection; I will not be positive: he hardly knew what he did: I think, to the best of my recollection, I saw him stooping when I came out of the court, but I will not be positive; and when he said, I had been robbed! I have lost my watch, I observed the string of his watch hanging out of his pocket; and I am perfectly satisfied there was no knot to it: I said, secure the people, and bring them into court; and they were taken into court immediately after.

Mr. Knowls. At the time you saw him, you say, you think he was so confused he did not know what he was about?—He did not.

GEORGE WIKINSON sworn.

I am tipstaff to Lord Kenyon. I searched Gilberthorpe by the desire of the court; I found a large clasp knife upon him: I have had it ever since.

Mr. Knowls. Nothing was found on Mackenzie?—No.

Court. Did you find this knife open or shut in his pocket?—Shut.

That knife opens with two blades, one of which seems to open with great difficulty, and the other is so blunt it is a doubt whether it would cut a ribbon, or any thing.

Mr. Thornton. A man with a silver-laced hat said, there are your seals. There were five or six persons; a great many offered me assistance.

Who said, there are the seals?—A person a yard from me.

Was that the servant?—Yes.

Why, I thought there had been nobody with Mr. Martyr?—No more there was at first. At the moment the seals dropped, they heard them, and said, Sir, there is your seals; it was a stout man, in a silver-laced hat.

Prisoner Mackenzie. I leave it to my counsel.

The prisoner Mackenzie called three witnesses to his character.

PRISONER GILBERTHORPE'S DEFENCE.

On the 3d of February, about eleven in the morning, I was at that end of the town; I had heard the water had overflowed Westminster Hall, and that the lawyers were obliged to be taken out in boats; my father and me went: he had some business that way: I found it was no such thing, but it had been so; but they were emptying it out from Westminster Hall: the people said, it would be so again at four, when the tide came up: my father told me not to stop: I was going to return, and coming through the Hall there were some people pulling the green curtain back; I went to listen too; I asked Mr. Thornton what it was? he said, it was a trial about some dollars; he did not listen to me after; he was listening to the trial: I was trying to push the curtain, to get my head in as well as Mr. Thornton, to see; and he turned round, and laid hold of me, and said, I had taken his watch from him; and then he laid hold of this young man; says he,

he, you have got my watch? I said, no; he said, you have my seals, and they were on the floor, and he picked them up; I was searched, and stopped, and sent to Newgate; we went to the publick house, where we had something to eat; I gave the gentleman the knife; presently came in Mr. Thornton and a lawyer; he said, he had done what he had; he said, he should be very glad if he could have my boots pulled off, for there might be some other property in the boots; but the constable said, there was no room convenient; and they were pulled off there, and nothing was found in them.

Court to Thornton. Did you hear any conversation between the two prisoners while you was at the door?—No.

Did Gilberthorpe say any thing to you?—No.

Were the seals nearer to the prisoner than to you?—We all stood of a row: the men were near me.

The prisoner Gilberthorpe called one witness to his character.

BOTH GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

110. JOHN BIRKITT, ELIZABETH BIRKITT, and HANNAH ROCK were indicted for stealing, on the 29th of January last, three pair of sheets, value 20s. and one looking glass, value 2s. the property of Jeremiah Griffiths.

ELIZABETH GRIFFITHS *sworn.*

I am wife of Jeremiah Griffiths. Hannah Rock was only a visitor. They took a room of me in the name of Griffiths. I found three pair of sheets and a looking glass at the pawnbrokers, Mr. Sinesi.

PIE SINESI *sworn.*

I produce a pair of sheets; one in the name of Miss Mary Rock, between seven and eight.

NUMB. III. PART I.

PETER MACDONALD *sworn.*

I am servant to William Mole. Hannah Rock and Elizabeth Birkitt pawned a glass; the prisoner, Hannah Rock, delivered the glass to me; she said, it was her property; I asked her: I am certain to her person.

RICHARD DOVER *sworn.*

I am a pawnbroker with Mr. Collins, in Great Wild-street. About half after eight the door was wide open and the beds all stripped of their sheets: I missed the sheets: the sheets belonged to Mrs. Griffiths: I left it locked about four: I went up about half after four; it was locked; I returned about seven and the door was open.

MARY ROCK *sworn.*

Elizabeth Birkitt gave these things to me, and said they were her mother's: I pawned them with Mr. Sinesi, on Saturday night, at eight o'clock.

JOHN TAYLOR *sworn.*

I am one of the late constables of St. Giles's in the Fields: I apprehended Mary Rock.

THOMAS DUNCOMBE *sworn.*

I am a constable. I went to the three pawnbrokers with the prosecutrix, where the sheets were found.

(The sheets deposed to, which were pawned by Mary Rock.)

(The glass deposed to.)

PRISONER ELIZABETH BIRKITT'S DEFENCE.

I know nothing about the sheets at all.

PRISONER HANNAH ROCK'S DEFENCE.

I went with my mother to pawn the glass; that is all I know.

The prisoner Rock called two witnesses to her character.

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JOHN

JOHN BIRKITT NOT GUILTY.

ELIZABETH BIRKITT, GUILTY.

Imprisoned twelve months and fined 1s.

HANNAH ROCK, GUILTY.

Imprisoned six months and fined 1s.

The jury recommended Hannah Rock to the mercy of the court.

Tried by the second Middlesex Jury before
Mr. RECORDER.

120. JOSEPH HEAD was indicted for stealing, on the 17th of January last, a cloth coat, value 15s. a worsted waistcoat, value 12d. a jean waistcoat, value 2s. a shirt, value 2s. a marshall, value 12d. two leather gloves, value 2d. the property of Patrick Doran: one linen shirt, value 2s. one muslin neckcloth, value 6d. the property of James Hayes.

PATRICK DORAN *sworn.*

On the 17th of last month, on Monday morning, I got up and went to my work, and left the prisoner in bed in my room; the prisoner lodged in the same house with me in Feather's-court, Holborn; on Monday morning I took my coat and waistcoat from a line and put them in a chest, the rest of the things lay about the room, and my hat hung on the corner of the bedstead; James Hayes lodged in the same house, and went to work with me; I left the prisoner and Joseph Bowman in bed in the same room; about eight o'clock in the morning I was informed by James Hayes and Christopher Doyle that the room was robbed, and in about half an hour I heard the prisoner was taken; I went to my lodgings, and missed the things in the indictment.

JOSEPH BOWMAN *sworn.*

I lodged with the prosecutors and prisoner the 27th of January, Patrick Doran and James Hayes went out first, I went out

a quarter before seven, I am a whitesmith, I left the prisoner in the room part dressed: when I came home to breakfast, I heard the prisoner was in Bow-street, and the things stolen; me and the woman of the house went to Bow-street; I lost a cloth coat which I left on a little table alongside the bed; I left a pair of stockings, a shirt, and a handkerchief; they were not locked up.

CHRISTOPHER DOYLE *sworn.*

The prisoner lodged on the Saturday night in our house, I did not lodge in the room the night the things were taken, I was on duty as supernumerary watchman; on the Monday morning I was informed the room was robbed, and all the men's clothes were gone; I overtook the prisoner with a small bundle, and this waistcoat sticking out of the bundle under his arm; I took him to Bow-street, I found nothing of these things but this waistcoat, which belongs to Doran; I saw him searched at the office, and half a guinea and six shillings were found in his pocket, and two gloves, and some duplicates.

LAURENCE MACE *sworn.*

I am a journeyman hatter on Ludgate-hill; the prisoner brought this hat to me to alter for him, and make less; to the best of my knowledge it was the prisoner.

RICHARD COTTRELL *sworn.*

On the 17th of January the prisoner brought a bundle about a quarter after eight in the morning; to the best of my knowledge it was him, but I cannot swear positively, to my house, a public-house in Smithfield; I never saw him after till I was sent for to Sir Sampson's.

MOSES MORANT *sworn.*

On the 17th of January, the morning part, these young men brought the prisoner to Bow-street, and I searched him, I found sixteen shillings and sixpence in money, two odd gloves, and a new under waistcoat, a few duplicates, but not concerning this robbery.

THO-

THOMAS SEAR *sworn.*

I live with Messrs. Pharez and Pearson of Fleet-market, pawn-brokers; I saw the prisoner on the 17th of January, to the best of my knowledge, I believe he is the man, he pledged a couple of coats and a handkerchief with me for one pound; I do not mean to swear positively to him, I believe it to be the man, to the best of my knowledge.

(The things deposited to by the various owners.)

PRISONER'S DEFENCE.

I took none of the things out of the lodgings; the waistcoat and gloves were given to me by a person that came to call me up in the morning, and he gave me the waistcoat to take home to my mother to wash with my things, but the waistcoat was not tied up in a bundle, and I was carrying home my dirty linen.

GUILTY.

Fined 1s. and imprisoned six months.

Tried by the first Middlesex Jury before Mr. Justice GROSE.

121. GEORGE RICHARDSON was indicted for stealing, on the 15th of January last, a tin oil bottle, value 4s. and four quarts of oil, value 15d. the property of Joseph Lucas and Christopher Spencer.

THOMAS PIPPING *sworn.*

I work for Mess. Lucas and Spencer, they are lamp-contractors; on the 15th of January last I was in Newman-street, Oxford-road, between the hours of one and two, I was trimming the lamps, I was up the ladder, I left the kettle in the street about one hundred yards from where I was at work, on the foot pavement by the rails of a house, I went back again and my kettle was gone, I had not seen it for about three quarters of an hour, when I saw it again, it was at the watch-house the same evening, and the pri-

soner was in custody; there was about five quarts of oil in it.

NATHANIEL SMITH *sworn.*

I have worked for Mess. Lucas and Spencer years; I was coming from dinner, I live in King-street, Seven Dials, their shop is in Phoenix-street, St. Giles's, about half after two o'clock; I went into White Lion-street, which is the way to the shop, and I met the prisoner with the kettle in his hand, coming towards me; it is better than a quarter of a mile, half a mile I should imagine; when he saw me, he immediately put the kettle on his head, I was in the dress of a lamp-lighter, in a greasy jacket; I am perfectly satisfied he saw me, he was about seven yards off, I walked up to him and met him, and I asked him whose work he was going to do, and who he was going to help; he then gave me a good many sawcy answers, which induced me to think he had stolen the kettle; he told me *cheeks*, that was the word he said; I followed him across the Seven Dials into Short's Gardens, at the corner of Belton-street in Short's Gardens; he took the pot off his head, and set it down under a grocer's window; I then passed him up Short's Gardens, he then came out into the middle of the street, and beckoned as if to somebody, I cannot say whether he saw me or not; I then turned myself about in order to come at Short's Gardens again towards him, he had then taken the kettle up again, and was coming towards me with the kettle on his head; I laid hold of him and said, now young man, where are you going with that kettle? he told me to ask his a—; I still held him by the collar; I said, you rascal, I believe you have stolen this kettle, it is my master's property; (I knew it to be so at first by a particular bruise) he then said his brother-in-law gave it to him; he refused to tell me his name, I took him to the watch-house; says I, that is where your brother-in-law lives you rascal, and he was committed; I left the kettle at the watch-house till six o'clock; I took off the cover and found oil in it.

(The

(The kettle produced and depofed to, and alfo by Pipping, marked L. S. No. 44, and a bruife.)

PRISONER'S DEFENCE.

I never faw the man; my Lord and Gentlemen, of the Jury, I belong to a fhip at Deptford, and it is a general rule for a man to find a bondfman for his two months allowance; my bondfman lives in New Bond-ftreet, he promifed me; I have a wife and family, two fmall children, and I thought the few pounds would be of fervice to her; I was coming from Carnaby-market, and met a man who had been prefed along with me, his name is Jonathan Price, he asked me to give him fome beer, and we had fome beer and gin; I gave him the duplicate of a watch I had in pawn to fell, and he went out, and ftaid above two hours, and I faid to the landlord, I am afraid this young man has tricked me, and I took this kettle and went to fee for him; I faw him go into a houfe, and I beckoned to him, and this man took me.

GUILTY.

Fined 1s. and imprifoned fix months.

Tried by the firft Middlefex Jury before Mr. Baron THOMPSON.

122. JOHN DODD was indicted for ftealing, on the 31ft of January, two pieces of wood called fatin-wood, value 10s. two pieces of wood called mahogany table feet, value 2s. the property of John Watkins.

JOHN WATKINS *sworn.*

I am a cabinet-maker in Cambridge-ftreet, I loft the wood in the indictment, and a great deal more; I got a fearch warrant, and found a part on John Dodd, in a houfe in the Gravel Pits, where he lodged; I have feen him before and fpoke to him, he worked for a man that rents part of my fhop, I heard he had been offering my wood for fale, then I went and got a

fearch-warrant, I found it in the place where he was working, it was about twelve at noon on a Monday; fays I, Dodd you have fome wood of mine; he denied it with an oath, then he faid a man gave it him to fell; I faid produce that man, the wood was over his head acrofs a beam, I fufpected it to be mine, I looked at it, I have it here, I have kept it ever fince, I could fwear to it among ten thoufand, I am certain I had not fold it or given it out to be worked up; there are ten of them, I valued them at one fhillings a piece.

WILLIAM BROWN *sworn.*

I belong to Juftice Reid, the profecutor came to me and told me he had been robbed, and fufpected Dodd; I knew Dodd, and found him at work in Husband-ftreet; Watkins was with us, fays he to Dodd, I have loft fome wood, you know where it is? fays the prifoner, cannot we settle it, without going further; he faid one Martin a foldier gave it him, but would not tell his regiment; he reached down eight of thefe things, he wanted to settle that matter with Watkins, I faid he muft go before a magiftrate; I know nothing of the table legs.

Court to Watkins. You miffed fome of thefe things between Sunday and Monday? —Yes.

PRISONER'S DEFENCE.

My Lord, I met this foldier, and he asked me to fell them for him, he laid the table legs on my arm, and carried the vaneers to my place where I was at work; I faw them the next day, and told him to take them away; they faid that would not do, and the beft way would be to burn the whole kit; I faid that was not right; he faid, you take care of the vaneers, and I will take care of the legs.

GUILTY.

Fined 1s. and imprifoned fix months.

Tried by the firft Middlefex Jury before Mr. Juftice GROSE.

123. SARAH,

123. SARAH SMITH was indicted for stealing, on the 2d of January last, one watch, the inside and outside case both made of silver, value 30s. a steel chain, value 1d. two metal keys, value 1d. one steel key, value 1d. the property of William Williams, privily from his person.

WILLIAM WILLIAMS *sworn.*

I am a porter to Mr. William Shore, grocer and tea-dealer, opposite the White Horse, Piccadilly. This affair happened on Sunday, the 2d of January; I was going home from St. John-street, Clerkenwell, between the hours of two and three, to the best of my knowledge, in the afternoon; and going up Holborn, I went to enquire for a countryman, in Cross-lane, near St. Giles's; his name was Jones; I was there once before; and I saw an old woman at the end of a court in this lane; she asked me who I was looking for? I told her Mr. Jones; she said she knew where Mr. Jones lived; I understood before I went, that he had left the public house, and lived somewhere in the lane; the old woman asked me to walk in, and I did, into a house in the court; and she asked me to sit down, which I did; and she went out of the house immediately, and left me there; the prisoner and another woman were in the room when I came in; and they asked me if I would give them some gin; this was after the old woman went out; I told them I had no money to give them for gin; I did not like gin; they pressed very hard upon me for some gin, and said if I could not drink gin, they could; then I denied giving them money for gin, and had six-pence and some halfpence in my waistcoat pocket; my hand was in my waistcoat pocket all the time; I pulled out the money, and held it in my hand; and one woman took the halfpence and ran out; and Sarah Smith took the six-pence out of my hand; she wanted some more; I told her I had no more about me; and she told me to feel in my pockets for some more, and asked me to let her feel in my pockets, and I would not; and while she was talking to me, she put her hand

round my waist, and took my watch by the chain out of my pocket; finding my watch go, I caught hold of her, and held her fast; and she fought very hard against me, not to give me my watch out of her hand; she did not offer to go out of the door, but asked me to let her fasten the door; but it was not, to the best of my knowledge; then she wanted to get away from me; and she told me if I would not let her fasten the door, I should be murdered; she wanted to get away into the court from me; then she got into the court, and I after her; and she got into another house facing the court; and I pulled her out of the house by force; then she ran very hard against me; and she wanted me to go to fetch a constable to search her; I would not go, nor let her go; and she ran into the next house; and two men came out; and one collared me, and held me by the arm, and the other let me go; he held me fast; they got her away; and she ran away as fast as she could, into the first house facing the court; they would not let me go in after her; there were a parcel of women standing at the door; then a gentleman fetched a constable; but the people in the house would not let him come in; and the constable himself said, he could not have a warrant, because it was Sunday; there was a little boy belonging to the public house; and he asked me for a shilling to fetch a constable; I told him I had none; there were another man or two, and a woman; I went again with a man that lived in the lane, and fetched three runners; and we went to a public house; and I followed them into the same house; the door was open, and an old woman was there; but I do not know it was the same; they searched the room, but could not find the watch; I saw the prisoner on the Monday after, before the Justice; the Justice told the woman to look at me, at the bar, and say if she knew me; she declared she did not; he told her to look twice more; and she said she did not know me; I looked at her, and am sure of her; I was with her in the whole, ten minutes; there was a very bad light in the room; there was no

candle; there was a bed in the room; and a very bad situation it was in; but I cannot say whether I sat down upon it or not; when I first went into the room, there was no candle in the room; it was between two and three; it was day-light.

Court. Do you undertake to say now that you are sure of the prisoner?—Yes, I can, with a clear conscience; I never took a drop of any kind of liquor that day, till this happened; I did not think there was any harm in going into the house with the old woman; she was quite a *mortal old woman*; I never was in any of the houses before.

Had no familiarities passed between the prisoner or any of the other women and you?—No.

Nothing of the sort?—No; I never found my watch again.

PRISONER'S DEFENCE.

About two, of the Sunday afternoon, as high as I can guess, I went to this woman's house; I sell fruit; I bought a bushel of apples on the Monday; she owed me a shilling; I went for it; this gentleman came in and enquired for one Mr. Jones; she said he had left the neighbourhood upwards of a twelvemonth; he asked her to have something to drink, and gave her two-pence; and while she was gone, the gentleman gave me six-pence; I hope, my lord, you will excuse my speaking indecent; I said it was too little; I returned it to him; he drank part of the liquor, and went away; he came back, and said he had lost his watch; the woman sent to me, and I came; and he did not know me then; he went and fetched a constable; the gentleman that came, said he was so much in liquor, he should take nobody into custody on his evidence; he let me go; and in about three weeks, or better, I went to the office, and saw this gentleman there; he said I was the person: here is a gentleman that will speak, who went and fetched the constable.

JAMES SULLIVAN *sworn.*

I live at No. 45, Cross-lane, Holborn;

I keep a cook's shop and green-grocer's. The transactions in the court I cannot be accountable for; I believe, a quarter past two, of a Sunday, the 2d of January, I heard a great noise in Cross-lane; I opened my shop door, and I saw the prosecutor appear in a frantic mad manner in the street; he said he had lost his watch; he came up to my door, and told me; I said I am sorry for it; how did you lose it? he said he was enquiring for a man of the name of Jones, who kept a public house in the lane, of some people that stood at the end of Star-court; and he said, while he was asking this question, a woman asked him for something to drink, and he gave her a six-pence; he did not say he was in any house whatever, but that he was held by two men, while his watch was picked out of his pocket, by a person whom he did not know; these are the words he said; I refer to the prosecutor; I am master of arms to a man of war; and I have a family; he desired me to assist him, as he said I looked like an honest man; and I left him to take care of the door of the place that the woman went into (it is facing the court) while I went up to Justice Walker's; that was the house where he told me the woman had gone into; he said he had lost his watch, and would give any thing to recover it; he did not say the woman; he said the person; he did not know who it was; I went to Justice Walker's for a runner, and there was none there at the time; I met a man with a lame arm, and desired him to come with me; this man came into my house and had a pot of beer; I believe the runner stood at the door to take care nobody went out; the prosecutor could not give any particular charge of any person; he was so much in liquor, he could not find his way out of the house; there was only part of a pot of beer in my house; he had hold of my hand; he said, you are my friend, and if I could recover my watch, I would give you a guinea; and he said he would call in the evening, and go to Little Wild-street, to another runner; there are three doors to the house, two street-

street doors, and one that goes in a partition between the house where Jones lived and my house; I took him by the hand and shewed him the way out; he said he would call again, and he hoped I would go with him to see for the runner, he said he could not stop, he would go home to his master and acquaint him with his troubles; he came about half past three again alone to go with me to the runner; I was not out of my house, when he came back he was so much in liquor, that I was obliged to help him to Treadway's, and there he gave such a lame account, and said he was among a number of girls, and Treadway and another refused to undertake it, because he said somebody took his watch, but he would not tell who, and at some space of time afterwards the prosecutor had the woman taken up; I had no more acquaintance with this woman, any more than the child unborn; she came into my house at times when I was out, for meat and things; I have seen her as a customer, and never knew any thing dishonest of her.

Court to Williams. You have heard what this witness has sworn: first what do you say as to your sobriety, after you have heard his evidence, was you sober?—My Lord, I was as sober as I am now.

And do you persist in it that you had not drank any liquor that day?—My Lord, I never touched any liquor, from the time I got up in the morning till the affair happened, but milk and tea to my breakfast.

Did you drink any thing in his house?—Nothing but a share of a pot of beer, that was all the liquor I had that day, besides one pennyworth, and he wanted me to join for more with him, when we went to the runners.

Then you had a pot of beer when you returned with the runners?—Yes.

Was you never in his shop?—No, I never was in his house till I came back from the runners; but I saw him before, and he went with me; there was a constable came before, which was fetched by this man, I told my case to him before we went for the runner.

Sullivan. My Lord, the constable came, but he said he could not take any charge, because the prosecutor said he could not tell who took his watch, only he wished to have both the houses searched.

Prosecutor. This man has been after me now in the hall, and has offered me two guineas and a half not to speak the truth, and the truth I will speak.

Sullivan. No such thing.

To Prosecutor. What offer has that man made to you?—Says he, Williams do not sell the woman's blood, be favourable to her, do not be blood-thirsty, do not be hard on the poor girl, and we will make your loss good for your watch; one woman will be half a guinea, and her poor mother will be something; she will do what she can to make it up two guineas and a half; he said he would be answerable I should have the money; and then he wanted me to go into a public-house to have a drop of beer, and said my trial would not come on for some time.

Where was this, now?—Just outside the door.

When?—To-day; and one of the gentlemen at the door, who had got a staff in his hand, he told me not have any thing to say to him, for he was pumping me, and trying what he could get out of me; I told him I had nothing at all to say to him, and went away, and walked by myself in the furthest passage door from him.

Did you ever tell that man, Sullivan the cook, that you was held by two men while the watch was picked out of your pocket?—No, please you my Lord.

What account did you give Sullivan of what had passed?—I told him there were two men came out of the house, and held me till he got away from me.

That is the account you have now given?—Yes.

About what o'clock was this conversation to-day?—It might be half past eleven, near twelve, or thereabouts.

Where did you first see Sullivan?—In Cross-lane.

Was he at his own door?—He came to me

me when I was in the lane, with a pair of trowlers on.

Had you called at his house before he came to you?—No, I had not, he came up to me, and asked me how the thing was, and I told him, and he said he was my friend, I was so badly used he could not stand it any longer, and he went for a constable.

What did the constable do when he came?—Nothing at all, only came to the door, and sent the people from the door; he had no warrant.

What house was it you searched when you returned with the runner?—The dwelling house, where the prisoner robbed me of my watch.

Can you say whether Sullivan was present at that search?—I did not see him then.

At what time was it you went into Sullivan's house?—After I had been with the runners.

After you had searched the other house?—Yes.

Is it true, that you was then so drunk, that you could not find your way out of his house?—My Lord, what I told you before, I was sober, and I would not tell any lie.

Did you make any mistake in coming out?—I believe I did.

When you went up for the runner, was you able to go, or did he support you?—No further than he was his twopence to my three halfpence; I was able enough to go to any part.

Was you at Treadway's?—I do not know him.

Was you twice that afternoon at Sullivan's house; was you there twice or only once?—Only once, to the best of my knowledge.

Did you ever go home to your master, and inform him of this, before you went to the runner?—No, I did not.

Did you tell Sullivan so?—No, my Lord, I did not, I never told my master till the prisoner was taken; I was afraid I should be turned out of bread, and lose my place; I have been nine years with my master, and I lived at Mr. Dring's the grocer, at the Bars, and I did not like to tell him of this.

But why; you had not done any thing wrong; did you make Sullivan any offer to get your watch?—I said I would rather give a guinea than lose my watch, or let my master know that I had lost it.

How came it you could not find your way out of his house?—There were so many turnings, and I never was there before.

Did you ever tell Sullivan you did not know the person that took it?—No, I never told him any such thing, nor any body else; I told the runner, and described her, and they said she was very well known at their office; (Carot-y Sall) I knew her directly.

Did you ever make any offer to any body that he calls his brother's boy to attend?—The boy asked me when he came to the Justice's door to give him something.

Was the boy before the Justice?—Yes.

What boy do you speak of?—This man's brother's; the Justice asked the boy to look at the prisoner, and see if he knew her; and the boy says yes, Sir; the Justice said, what do you know of her? and the boy said, she lives in Star-court, just where I live; I never made the boy an offer of any money at all, his brother here made him go with me, or else he would not; says he, I hope you will give me something, Sir; my boy, says I, I will give you nothing, says I; the boy belonging to the publick-house was the same boy; Sullivan's brother keeps the publick-house, and this is his brother's boy.

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE
TRIALS AT LARGE
OF THE
CAPITAL and other CONVICTS,
ON THE

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 16th of FEBRUARY, 1791, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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T H E
TRIALS AT LARGE,
 OF THE
CAPITAL and other CONVICTS,
 ON THE
**KING's Commission of the Peace, Oyer and Terminer, and
 Gaol Delivery for the CITY of LONDON, &c.**

Continuation of the Trial of Sarah Smith.

Then you mean to swear that what Sullivan has said about your being completely in liquor was not true?—No, it was not true.

And you mean to swear, that you had had no liquor that day?—I had had none, not a drop, till I met with Sullivan.

And that you did not tell him two men held you while you was robbed?—No.

Court. Set up Sullivan again.

Had you any conversation to-day with the witness Williams?—Yes, I had.

Relate what conversation you had with him to-day?—Nothing concerning what he has alledged at present.

Did you say to him, do not be blood-thirsty?—I did not.

Did you say any thing to him of that nature?—No I did not.

Did you say to him, we will make your loss good for your watch?—I never expressed such a word in my life.

You did not say that then?—I did not.

Nor any thing to that effect?—I did not.

Did you say that one woman would be half

a guinea, and that her poor mother would do what she could?—I will explain that point my Lord; I made mention to you, that it was not to the purpose he described, there is one Butcher, a principal evidence, that said this man told him, if he could procure him two guineas, he would not appear at his trial.

Did you make this offer to him?—I did not.

You did not say that a woman would be half a guinea?—I never expressed such a word to him.

Nothing like it?—No, I did not indeed.

Did you say that you would be answerable for any money to be given on that occasion?—No, my Lord, I did not, it is no concern of mine.

Did you want him to go into the public-house to have a pot of beer?—No, there was a constable that wanted him to go into a public-house, and told him that his trial would not come on soon.

Court to Williams. Was it the constable or that man that wanted you to go into a public-

public-house?—Please you I tell you the ruth; this man, God Almighty forgive him; I take it he would say any thing, God Almighty forgive him.

But you never did ask him to go into the publick-house?—My Lord, I solemnly declare before God and the world, I never expressed such a word as that; there was a constable, a hair-dresser of Marybone parish, who was here on a trial, and he it was that asked him to drink, and told him so.

Jury. Do you recollect his name?—I do not; he is a hair-dresser, and wore a drab great coat, I knew him before, he attends at Justice Read's in Poland-street, he is a runner belonging to that office; I cannot tell you whether he is a runner or a constable.

RICHARD CONEN *sworn.*

Was examined as to the conversation between Williams and Sullivan, and deposed that he heard some conversation about a watch and money, but could not speak to particulars.

The Court waited a long while for another Constable, James Earle, who at last was found and sworn; he deposed he heard a good deal about a watch, but could not recollect particulars.

GUILTY Of stealing, but not privily.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron THOMPSON.

124. WILLIAM WELLS was indicted for stealing, on the 31st day of January last, one India shawl, value 10s. the property of Edward Price, Esq.

WILLIAM BIRD *sworn.*

I live at No. 1, Flower de Luce-court, Fleet-street; the 31st of January, Monday evening, about twenty minutes past eight,

I saw the prisoner standing at the corner of Chancery-lane, with three other young men; I was with Mr. Stapleton and Mr. Holmes, we were walking by, we had a suspicion of them, the prisoner run across the way, and appeared to have something under his arm; there was a coach standing, I saw the prisoner open the coach-door and take something out, and make a plunge to get away; I took him round the waist, and said, what have you here? and I saw something fall, and I bid Stapleton pick it up, and put it in his pocket, I saw him open it; there was in the bundle, a shawl, and a letter wrapped up in a newspaper; the prisoner was taken to the watch-house, I went with them; then Mr. Stapleton and me went to Mr. North and enquired for the owner of the carriage, and we found the lady to whom the shawl belonged.

Mr. Garrow, Prisoner's Counsel. At this time of night there was a good many people passing?—Yes.

It was rather darkish?—Yes.

THOMAS STAPLETON *sworn.*

Deposed to the same effect, and picked up the parcel, but could not be positive to the prisoner.

Mrs. Brice deposed to the shawl, and left a letter and shawl in a newspaper in the coach, while she went into Mr. North's; she saw nobody about the coach.

Prisoner. I leave it to my counsel.

The prisoner called eleven witnesses who gave him a very good character.

GUILTY.

Privately whipped.

Tried by the London Jury before Mr. Justice GROSE.

125. ARCHIBALD NEALE was indicted for stealing, on the 12th day of February, twenty pounds weight of butter salted, value 20s. and a wooden cask, value

lue 2d. the property of Samuel Bostick and Ralph Arden.

(The witnesses examined separate.)

SAMUEL BOSTICK *sworn.*

I am a cheesemonger in the Borough, my partner's name is Ralph Arden : I only prove the property.

ROBERT DAVIS *sworn.*

I am servant to the prosecutors ; I drove a cart to Brewer's-quay with 40 casks of butter in it, on Saturday last; from Mr. Bostick's ; I went down, and the gateway was very thronged with carts, a horse was down, I went to help the man up ; in the mean time my cask of butter was gone, I saw it two minutes before ; when I returned to the cart I did not miss it, till I was told of it by Mr. Talbot's man ; I followed the prisoner, and brought him back with a constable ; he described the man with a blue jacket, I saw a cask missing, I went to the top of the gateway, and saw the cask in a town-cart that was standing for hire with one horse ; there was one cart behind mine, the prisoner threatened to knock him down, and offered great violence, with very vulgar words ; I thought the man's countenance altered, and I let the prisoner go, and brought back the butter ; the witness Barker sat on a truck with another boy, and he said, you are very much to blame for letting him go, for I saw him take it : I found the prisoner again and took him ; he said he would not go back without I would pay him for his trouble ; his demand was threepence, which I paid him ; he went about twenty yards, and uttered very ugly language, and threatened to knock me down if I followed him : I told him I would follow him till the sun set, and the moon rose, and I would have satisfaction ; the constable took charge of him, and Barker said he was the man.

WILLIAM BARKER *sworn.*

I am guard to one of the mail coaches ; I was employed by a gentleman in the Borough to take down a cart to Chester's-quay,

which was full of carts ; I could not get in, I sat down on my truck at the top of the gateway, as much as ten minutes ; I saw the prisoner take away a tub of butter out of the cart, I am certain to him ; I did not know Mr. Bostick's cart before, it was driven by Davis, he put it in a cart, but he could not get through ; a man at the top of the gateway took the butter from the prisoner, and he walked with him to the tail of the cart, then the prisoner wanted to take it on his back ; there was an alarm in five minutes, and I told what I saw, and the prisoner was taken ; I am certain to the prisoner, I did not know but he belonged to the cart.

ROBERT HEATH *sworn.*

I saw the prisoner come from the tail of the cart with a cask of butter, he could not get it through, and another man came past and helped him with it, and he said it was to go to Cavendish square.

Prisoner. Did any body tell you what to say?—No.

JOHN IRELAND *sworn.*

I can swear to the mark of the butter.

(The butter produced and deposed to.)

Prisoner. Did you mark any more the same?—I marked all the forty casks the same.

Did you ever mark any casks with the same mark?—Several days I have.

Bostick. This cask was in my possession the Saturday morning ; a diamond B. 1186.

JAMES CLARKE *sworn.*

I was standing under the gateway, and I happened to turn my head, and I saw the prisoner with this cask of butter, I informed Mr. Bostick's carman ; I told him to follow me, and we turned round and saw the cask lay in a town-cart, and the prisoner standing just by ; I told him he was the person I saw with the cask ; and he used very ill language, and said he would knock my eye out ; I took the cask and put it into Mr.

Mr. Bostick's cart; we lost the prisoner; Davis brought him back.

WILLIAM WELLS *sworn.*

I only took charge of the prisoner; I have kept the the property ever since.

PRISONER'S DEFENCE.

About three years ago I came from the coast of Africa, and was very poorly, and I went to the Island of Cuba; I came to Cadiz in Spain, I learned some of their language; I know nothing about the butter, I never saw the man in my life, I was working for my daily bread; there are twenty people in blue jackets and trowsers, that use the quays as well as me.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. Justice GROSE.*

126. **JAMES WHITECHURCH** was indicted for stealing, on the 10th of February, a leg of pork, value 2s. the property of Stephen Foulkes.

STEPHEN FOULKES *sworn.*

On the 10th of this month I was in my kitchen backwards, I thought I heard somebody in my shop; I turned round, and saw the prisoner take up a leg of pork, and he went out; I pursued him four doors down our lane, and I touched him over the shoulder and said, my friend, you had better come back and pay for that leg of pork; he said, I am only going to take it to my brother to shew him: I brought him back, and at the door he dropped the leg of pork in the dirt, and fell on his knees, and asked for mercy; I told him no mercy I would shew, for I had been robbed many times; I took the prisoner and the pork to the compter, and then took the pork to Mr. Newman's house.

ROBERT NEWMAN *sworn.*

I am a constable, this leg of pork was left at my house by Mr. Foulkes.

Prisoner. I was in great distress, and

had not a bit of victuals for three days; I have three motherless children, and never was guilty of any thing of the kind before.

GUILTY.

Whipped.

*Tried by the London Jury before
Mr. Justice GROSE.*

127. **JONATHAN STUBBS** was indicted for stealing, on the 31st of January last, two pieces of cloth, called brown duck, containing seventy five yards, value 3l. 12s. thirty-nine yards of other cloth, called dyed duck, value 4s. thirty-three yards and three quarters of blue linen, value 1l. 18s. thirty yards of other cloth, value 1l. 5s. and a linen wrapper, value 2s. the property of James Catchpole.

(The witnesses examined separate.)

WILLIAM CATCHPOLE *sworn.*

I am a peruke-maker, I know nothing of the felony, I only attend to prove my brother, James Catchpole, proprietor of the waggon that goes to Palgrave in Suffolk from London: he has no partners.

Mr. Garrow Prisoner's Counsel. I take it for granted, you know only from the information of your brother, who is or who is not the proprietors of the Palgrave waggon? —Yes, I do know perfectly well who is the proprietor of it; I know he has had the possession of that waggon eighteen years.

Have you any concerns in it? —No.

Do you keep the books? —No.

Do you transact any business for it? —I cannot say I do.

WILLIAM ROBIN *sworn.*

I am a book-keeper to James Catchpole, his name is on the carriage and wrapper, and every thing goes in his name; there are no other proprietors; I have paid him money on account of this waggon from other people, and do so every time we come; I have kept the books about fifteen or sixteen years, and always understood him to be the proprietor; I booked the goods for Mr. Catchpole, at the Saracen's Head, Snow-hill,

hill, the 30th of January, between eight and nine in the morning, on a Sunday morning; there were only two articles, a box and a truss directed "T. Wall, Walfam, Lewillys;" I saw them weighed, but I did not see them put into the waggon; the waggon set off between five and six on Monday morning; I cannot tell the contents; the prisoner has been horsekeeper and hostler at the Saracen's Head several years.

THOMAS WARING *sworn.*

I am a warehousman to Prescott and Howard, No. 3, Bow Church-yard; I know that those goods in the indictment were the property of Prescott and Howard, I looked them out to be sent; there were more articles sent to the waggon than those that were lost, and I put them by to be packed.

THOMAS DIXON *sworn.*

I am a packer; I took the goods from Mr. Waring; they were given to me to pack, and to send to the Saracen's Head; when Mr. Waring entered the goods, he said those goods are for Mr. Thomas Wall, of Walfam, Lewillys; I packed them up; they agreed with the Journal as entered; I directed them; I ordered the person employed, George Brown, to take them to the Saracen's Head; Brown has the delivery-book, which I saw him sign.

GEORGE BROWN *sworn.*

I am a porter, I have a book in which I entered a truss, the truss was marked Thomas Wall, &c. dated the 29th of January last; I do not know the quantity of goods that went; I know from this book, and I carried it myself, that a truss went for Mr. Thomas Wall, &c.

JOHN ROBY *sworn.*

I am under my father in the yard, I took a truss out of the warehouse in the scales, and put it into the waggon; they were directed to Messrs. Wall, &c. and I found the property in the prisoner's box, on Wednesday, the 2d of February, in the evening, at his lodgings at Mr. Gobby's, the Swan, Snow-hill; I found the wrapper and the bill of parcels inside of it; the goods came from

Prescott and Howard, Bow Church-yard, by the bill of parcels; I went and informed them, and they said the goods were their's; the goods were left in the constable Paterfon's possession all that night.

Mr. Garrow. How long have you belonged to the yard?—I was born there.

How long have you known this man?—Between two and three years.

And he has belonged to the yard during that period?—Yes, he has.

It was in an open box you found the truss in?—It was in a coffer.

Was it locked?—No, it was open.

Did not Carwell lodge in the same room with him?—Yes, he did.

Was it not Carwell told you the things were there?—Carwell gave the information of it, he told another person of it, and he told me.

It is an old saying, they that hide can find?—Yes, it is; I did not hide them, I am sure.

I dare say you did not.

JOHN ALEX. CARWELL *sworn.*

I work for Messrs. Hawkins and Gilding, Snow-hill, I porter for them; at present they have not much to do, but what they do I do; this man sleeps along with me; on the 31st of January he brought this truss in, about thirty minutes after six o'clock, in a sack, and told me he was coming after his smock-frock, and took it with him; a little after seven he came again, and said he was going to look his dirty linen for his washerwoman; when I got up I looked into his chest, as it was not locked, and I saw the truss, out of the sack: I looked in again on Tuesday morning, and it was opened then, but none of the property gone; it was not before; on Wednesday morning I looked again, and some was gone, and I went and made mention of it to John Roby, and this I told him on Wednesday; I thought I would stay before I mentioned it, to see if there would not be an advertisement when the Boston coach came in.

Mr. Garrow. Alexander, with your leave, I will say a word to you; am I to understand that John Roby was the first person

son you mentioned this matter to?—Yes.

You are sure of that: and if John Roby has said that you told it to John Thomson, and John Thomson told him, he did not say the truth?—No, certainly.

RICHARD GOBBY *sworn.*

I keep the Swan, Snow-hill; the prisoner lodged with me in a tenement of mine adjoining the house; in consequence of an information I took the key of his room and went up, and said if there was such a thing, the person may soon see; this was on the 2d of February: John Roby and I went up into the room, and the box was open; John Roby looked in, and takes hold of the wrapper, and said, this is the truss that should have gone by Catchpole's wagon, and he found the bill of parcels, and examined the truss, and found one piece gone; they are both here, the bill and the goods: the constable Paterfon was with us, and took them into his custody.

JOHN PATERSON *sworn.*

I produce the goods, and the bill of parcels with them.

JOHN GRANT *sworn.*

I am an assistant to Mr. Mountain; John Roby asked me to assist the prisoner to the Compter; the prisoner said the parcel was given him by some Irish Jew, and that I should find the Jew at the Three Nuns, Whitechapel; I went there, but did not find any person that answered the description the prisoner gave me.

The prisoner called seven witnesses who gave him a very good character.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

128. **MARY PARTRIDGE** was indicted for stealing, on the 26th of December last, a silver watch, value 20s. the pro-

perty of Everet Martin, privily from his person.

And **JOSEPH SMALLWOOD** was indicted for receiving the same, knowing it to be stolen.

EVERET MARTIN *sworn.*

The day after Christmas Day, I had been to the King's Bench, I came over Blackfriar's Bridge; going to Great Mary-le-bone-street, No. 6, where I live (it was about nine in the evening); I stopped at the corner of Fulwood's Rents, Holborn; and a woman asked me to go home with her; it was so dark, I could not see her; and in the same instant, a man who stood next to me, whom I could not see, and that man gave me a bit of a push; and before I could look round, my watch was gone; I swear positively I did not feel the watch go; but I have no knowledge of either of the prisoners, by reason of want of light; the watch was in the fob; the waistband of my breeches was buttoned at the time; they were cloth breeches; the fob was pretty deep in; I do insist I did not feel the watch go; I cannot say I was sober at the time; I first missed my watch the corner of Fulwood's Rents; it is a silver watch, worth three pounds; about ten days after, I saw my watch in the hands of Mr. Rumley; I knew it by the No. 716 being upon it; T. M. within side; I recovered it as I lost it.

Mr. Knapp, Prisoner's Counsel. How long was you in the King's Bench Prison? —Two hours; I drank two or three pots of beer there among six or seven; there were many men and women passing and repassing; I went to no magistrate; I gave it up as a lost case; I do not remember saying before the magistrate that I was drunk, but I cannot say I was sober.

VALENTINE RUMLEY *sworn.*

I am watch-house-keeper. On the 1st of January the prisoner Smallwood was brought in for an assault; he gave me the watch to keep till the morning, to give him something to drink; he called for it before twelve; and I stopped him on suspicion of stealing

stealing it; I kept the watch, and looked into the papers; it was not advertised; and at last I found the prosecutor; the watch fell down at the justice's, and I had it repaired; that was either the same day, or the next day, that I shewed it to the prosecutor.

HANNAH HARRINGTON *sworn.*

I work hard for my bread; go a charing, or any thing. I only know what the prisoner Mary Partridge, who went by the name of Swallowood, told me; which was, that she went out on a Sunday, and took a watch from a foreigner; and that it was near the corner of Gray's-inn-lane; there were a stand of coaches near; and she took the watch from the man's waistcoat pocket, and ran by the coaches; and a lad that was standing by the man at the time, followed her, and asked her if she had *done* any thing? and she said, no, she had not, for she could get nothing of him: then she said she had a few halfpence in her pocket, and treated the lad, and came home with the watch: she told me it was a silver watch, gold hands, steel chain, and metal seal: she said the gentleman was making water at the time: I have known the prisoner Mary Partridge eleven months: I lodged with her at a coal-shed: the prisoner Smallwood helped to support her, and came frequently backward and forward as a man living with her: they are not married; but they lived together as man and wife: and she went by the name of Mrs. Smallwood: I know Smallwood was not out of doors: I will take my oath of that: it was the day after Christmas Day: he laid on the bed when she came in: they have been parted some time: but he has had another lodging some time.

Mr. Knapp. You have had an accident with your eye, I perceive?—The night after I came from the sessions, two young fellows came behind me, and said, that is she that is against Smallwood; and they knocked me down on one side and on the other.

Is a chairwoman the only business that you follow?—Why, Sir, I take in washing. Nothing else?—No, Sir.

How long have you known Partridge?—Eleven months.

You have lived on very good terms with her?—Yes, at times.

When did you last quarrel?—The words between she and I were nothing particular.

But how long ago was it that you had any words?—Oh, we had no words since this affair happened.

How long before?—It may be nine months ago.

Were not there some other words between you?—No.

Have you never said you would *do* her the first opportunity, or something like that?—No, never in my life.

Not to Smallwood have you not said so?—Never in my life: I have heard her say to him, she would *do* him, but I never did say so in my life.

Every body in the neighbourhood understood them to be man and wife?—Yes, they did, at that time.

At the time this affair happened, did they live together then?—No, Sir; they had parted man and wife before that.

How long after that did you say any thing of it?—Never till I went to the watch-house-keeper, and stopped the watch in his hand.

Did you ever say any thing to any body about this, but to the watch-house-keeper?—I was not sure he had the watch, till I heard him come home, and say he had left the watch there.

Court to Rumley. The man was discharged for want of prosecution?—Yes.

Did he ever say any thing to you about the watch?—I made him no promise; I do not remember that he said any thing at any time about the watch.

Mr. Knapp. Did not he say where he got it?—I cannot recollect.

Try and recollect?—I will not try, because I know I cannot.

Did

Did not the prisoner Smallwood give you some answer, when you told him you would take him before the Justice?—He did give me some answer, but I cannot tell what.

Did not he say he found it?—He might; I cannot say.

CHARLES MORGAN *sworn.*

I keep St. Giles's Round-house. The woman, Hannah Harrington, came to me on Sunday, the 1st of January, and asked if there was not a watch left there? I told her there was: she said, do not part with it, for it is a stolen watch: neither of the prisoners were present.

(The watch produced, and deposed to.)

Prisoner Partridge. I leave it entirely to my counsel.

**PRISONER SMALLWOOD'S
DEFENCE.**

May it please your lordship. The charge which is alledged against me, I am innocent of; and I hope the honourable Court will think so.

GEORGE TELLICK *sworn.*

I am a carpenter, No. 22, Prince's-row, Mile-end, New Town: I know the prisoner Partridge: I know but little of Smallwood: I only saw him since he has been in confinement.

Do you know Hannah Harrington?—Yes.

Do you know enough of her, to swear she is not to be believed on her oath?—Upon my oath, by the information I have had of her landlord: my own knowledge is very little of her, because I have not seen her: I know nothing of the woman.

Have you ever seen her since this prisoner was in custody?—No, I have not: yes, I humbly beg God's pardon, and your honour's, I have: I never heard her make use of any expressions relative to the prisoner: I have known Partridge four or five years: I never heard that she wronged a person of any thing.

NUMB. II. PART II.

Court. How did she get her living?—She used to live in service: I have not seen her these three years.

GEORGE PETIT *sworn.*

I live at No. 7, Brewer-street, Golden-square: I know the prisoner Smallwood ten years: when he was apprentice: he has been with me nearly two years as a journeyman; he was at work in February, the morning that he was taken up in the afternoon: the general character he has had is the best of characters: my opinion of him is, I would trust him as I would myself: he was at work this morning: his master I am sure had a good opinion of him, because he used to allow him a shilling a week more than the other boys, for his care and fidelity.

The prisoner Smallwood called two more witnesses who gave him a very good character.

ELIZABETH CAMPLIN *sworn.*

I live in Hare-street, Bethnal-green: I am married: I came to say what I have heard Hannah Harrington say: I came for Mary Partridge: I heard Mrs. Harrington say the day before the prisoners were moved from Bridewell here; I was at Harrington's house; and I heard her say that she would be revenged; I went to her house, and I heard her say she would have her revenge; if she had it not in this way, she would in another: I have known Mary Partridge for these seven years; she had always a very good character: I take in washing for my livelihood; and I trusted her with a great deal of property: she is a servant; a housemaid.

Court. When was she last in service?—I have not seen her before these two years.

Where did you hear this Harrington say she would be revenged?—In her own apartment.

Was that in the house where they all lived together?—For any thing I know: I never saw Harrington before in my life.

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Upon the oath you have taken, for what purpose did you go to her?—For nothing in particular; I was along with one Mrs. Eagle, an acquaintance of mine, who called to see this Mrs. Harrington.

LUCY EAGLE *sworn.*

I keep a cook's shop: I live at No. 11, Flower and Dean-street, Spitalfields; I am a widow; I know the prisoner Partridge: I knew the witness Harrington; I saw her in the house eight days before they were taken: the witness Harrington at three different times; the first time was eight days before they were taken; Partridge was out; Harrington asked me up stairs; she told me that Mary Partridge was locked out; she said something about a watch; and said if that did not do, something else should; I called again about a week after they were taken; she told me she was very sorry for what she had done, but it could not be helped; that she did not mean to hurt her; but, as to him, she would have her revenge; the third time I went with the last witness to see Mrs. Harrington; and she again repeated that she would have her revenge; I saw Harrington give Partridge some money into her hand in gaol.

Hannah Harrington. I never said such a thing as they mention; one of the women has been with me three times, and the other has been with me; I will tell you what they said; I hope to Christ you will not hurt her; says I, as to hurting her, I cannot help what is done; if I am called upon, I must appear; that was all I said; there was not a word of revenge, or any thing of the kind; if I am called, I must appear; I never said any thing about revenge, upon my oath.

Is the evidence you have given true, or is it a fabricated story for the purpose of resentment?—Every thing I have spoken on the earth is true, so help me God Almighty: Mr. Tellick is her brother-in-law, and Lucy Eagle is her sister.

The Jury retired for some time, and returned with a verdict,

M. PARTRIDGE, GUILTY, not privately.
Transported for seven years.

JOSEPH SMALLWOOD, GUILTY.
Transported for fourteen years.

Tried by the second Middlesex Jury before
Mr. RECORDER.

119. RICHARD GROOMLIDGE was indicted for stealing, on the 19th of January, four pair of horse scissars, value 2s. the property of Peter Le Clerc.

PETER LE CLERC *sworn.*

I live at No. 5, in High-street, St. Giles's. On the 19th of January, I was robbed of four pair of horse scissars; I was in the cellar at work; I know nothing of the transaction.

SARAH LE CLERC *sworn.*

I am sister to the prosecutor. On the 19th of January, I came to the door with a bunch of greens, about eleven o'clock. The prisoner was on the step of the door, coming out; and I made room for him to pass; I came in, and my brother came out of the cellar, and said, how came the glass open? I said I did not know; I told him; I went after him; I knew the colour of his coat; I overtook him, and collared him; I told him he had stole some scissars; he delivered them to me directly; he gave me no rough usage; he said he was sorry for what he had done; I told him I did not want to hurt him, if I had my property.

Prisoner. I lived with Lord Monson's family, and they are out of town; I have nobody here.

GUILTY, 10d.

Whipped.

Tried by the second Middlesex Jury before
Mr. COMMON SERJEANT.

130. HENRY

130. HENRY HOWARD and JAMES ISAACS were indicted for stealing, on the 16th day of January last, eight pounds and a quarter of mutton, value 6s. six pounds and a quarter of beef, value 3s. 6d. and three pounds and three quarters of pork, value 2s. the property of Margaret Turner, spinster.

ALICE CHAMSIDE *sworn.*

I am servant to Mrs. Turner, Upper Norton-street, No. 48. On Saturday evening, the 16th of January, my mistress bought some meat; and I put it in the safe; and on the next morning it was gone; the safe is in the yard; the safe-door was open when I got up about eight on the Sunday morning; the butcher's name is Shuttleworth; he sent the meat in on the Saturday; I saw it at the watch-house between twelve and one on the Sunday; I am sure that meat was my mistress's property.

—— **LOVETT** *sworn.*

(*Deposed to the same effect as on the last trial*)

Prisoner Isaacs. Lovett said if we could arise five shillings apiece, he would not appear against us.

Lovett. I deny it.

EDWARD SHUTTLEWORTH

sworn.

I am a butcher; I live in Tottenham-court-road. On the 15th of January, Mrs. Turner bought some meat of me; I sent it home by one of my boys; and on the Monday I went to Poland-street, and saw the meat there; I am sure it was the same meat; the leg of mutton had a piece of the flap cut off.

Prisoner Howard. The meat ought to have been weighed.

BOTH GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

131. JOHN BRIAN was indicted for stealing, on the 16th day of February last, one half cwt. of lead, value 6s. the property of Thomas Siddon.

THOMAS SIDDON *sworn.*

I am an upholsterer and cabinet-maker, No. 24, Dover-street. On Wednesday, the 16th of this month, I stopped the prisoner in Dover-street, about a quarter past nine; he had a bundle under his arm; I asked him where he was going; I knew him; he said, to the washerwoman's with foul linen; I laid hold of the bundle, and found it weighty; and I desired him to come back with me; he accordingly came back to my shop; and he shewed me the half hundred weight wrapped up in his foul shirt; I had him taken into custody; the prisoner is my servant as a porter; he has lived with me about seven months; it was about twenty yards from my own door, where I stopped him; the weight was in my shop: (*the weight produced*): I had no other lead weight but this; the prisoner acknowledged the fact as soon as he came into the shop; I had made no promises or threats; I had lost things before, and I was determined to watch.

Mr. Knowlys. You swear to it by a hole?—Yes.

Do not you know that this man had taken this weight to throw with another person for a bet?—No.

You had a good character with him?—Yes.

What is the value of the weight?—I have valued it at six shillings; I never doubted his honesty before.

PRISONER'S DEFENCE.

I did not tell my master I stole it.

The prisoner called Martin Hearne, who had known him a twelvemonth, and gave him a very good character; and said he had heard that the prisoner laid a bet of a guinea,

guinea, to throw a half hundred weight with another person.

GUILTY.

Whipped.

Recommended by the prosecutor.

*Tried by the second Middlesex Jury before
Mr. COMMON SERJEANT.*

132. RICHARD PALMER was indicted for stealing, on the 2d day of February last, one pair of shoes, value 2s. a pair of plated buckles, value 6d. a knife, value 1d. a hat, value 1s. four keys, value 1s. and three shillings and six-pence in monies, the property of Thomas Motherly.

THOMAS MOTHERLY *sworn.*

I am servant to the Duke of Northumberland. I went out on the 2d of February, with one of our chairmen, to get a pot of beer, about three in the afternoon, to the sign of the Ship, below Charing Cross; we got a little *tossicated* with liquor; I lost my hat and shoes and buckles, coming from Spring-Gardens; I cannot tell whether I fell down or lay down, or was knocked down; I cannot say how I was robbed; it was about half past eight at night; I swore to one of my keys.

ESTHER BLACKMAN *sworn.*

I take in washing, and go out to work; I live in White-lion-street, Seven-Dials; I was going towards Spring-Gardens; I saw the prisoner, and asked him what he was doing to this man; and he said one Jack left him with him, and gave him a glass of gin; I went to Northumberland-House, and brought one of the footmen, and he did not know him in the condition he was in; I suspected the prisoner, and I turned back, and saw him take off his shoes, and run round the corner; I never saw the prisoner before.

How long was this transacting?—There was a light in the shop, and I looked at him

very hard, and he looked at me; I am sure he is the man; I saw him about ten minutes after: I told a patrol, and he ran after him and took him at the Horse Guards; and he knocked the patrol down; and he ran as far as York House, and there he was stopped and secured; I did not see him searched.

Was there any person with this man beside?—No.

JAMES CHEW *sworn.*

I am a patrol. The last witness told me a man was robbed in Spring Gardens, and gave me a description of the prisoner; I pursued him; and overtook him at the Horse Guards; I saw something under his arm; I asked him if he had any shoes? then he gave me a blow, and made off; I called after him; I ran, and a person kicked his heels up; I found a key and a knife in his pocket; there was nothing else that the prosecutor knew.

(The knife and key produced.)

Prosecutor. I can swear to the key, but not to the knife; I had such a knife.

JOSEPH NIBLOW *sworn.*

I heard the cry of stop thief! and I tripped up the prisoner's heels; and going along, he said he could lick a dozen of us.

PRISONER'S DEFENCE.

I came off guard at twelve, and went out with a friend; and I was coming home, and I found a key and a knife; and this man came up to me, and asked me if I had got a pair of shoes? and I said I had not, and I struck him.

Serjeant Mayne gave the prisoner a very good character, and said he was a good soldier.

GUILTY.

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.*

133. TIMOTHY

133. **TIMOTHY COLLINS** and **ROBERT CORDEROY** were indicted for feloniously stealing, on the 8th of February, a wooden till, value 6d. two silver tea spoons, value 2s. one silver pap spoon, value 2s. one table spoon, value 4s. one gold seal, value 2s. one gold watch hook, value 12d. one shilling in money, four and sixpence in halfpence, three hundred and fifty-two farthings, and twelve bad halfpence, the goods and property of John Beckman.

JANE BECKMAN *sworn.*

I am wife of John Beckman. I lost all the things from the bar, in a till. I keep the Bull's Head, in Crown-street. I went down stairs, and in the mean time the till was taken away, between nine and ten.

When you left the till was it locked?—I cannot tell. I went into the tap room.

Was the lock broke?—No. The till was a drawer fixed to a shelf. When I came again the drawer was entirely gone, and the whole in the till; these things were missed on the 8th of February, on a Tuesday, in the evening.

Were either of the prisoners servants of yours?—Neither of them: they were in my house that night before I lost my property and after too.

Did you leave them in your bar when you went up stairs?—No; in the room.

Near the bar?—I do not know.

Did your bar communicate with any other room where the prisoners might be? is it separated from the public room?—Yes; it is in the passage.

What room were the prisoners in the day you lost your property?—In the tap room.

Do you know whether they were in the tap room when you went down stairs?—No; but they were in that room afterwards; and they were in the house afterwards.

ABRAHAM BARRIER *sworn.*

I am a constable. I found the two prisoners about half an hour after the robbery

NUMB. III. PART II.

in this house, last Tuesday was a week; I put them both in the watch-house: I went the next morning and found all the property in Timothy's box: I searched them both, and took the key from Timothy: they told me where they lodged together; and I went the next morning and opened his chest; they each had a key, which I took from them: the next morning, between nine and ten, I went to the lodgings, and searched the box, and found these things in Timothy Collins's box; I found nothing in the other; I found these two rings, four silver spoons, a gold seal, and watch string, &c. I took them away, and brought them to the justice's, and have had them in my possession ever since: before the justice the prosecutrix swore them to be her property.

JAMES WICKETT *sworn.*

I am a lamp-lighter. I was in this public-house; and these two prisoners were in at the same time, and had been an hour or two before: when the alarm was given about this money, the prisoners were gone for about ten minutes or a quarter of an hour; I took notice of their both going towards the bar; I thought he wanted to pay his reckoning: before that he wanted to quarrel with me, upon an old grudge; I believe we had been out together and had a pint of beer, and I would pay for it, and I thought he took a huff at it. When Mrs. Beckman found the till gone she came into the tap room, and said, her till was gone, and asked if any one had played tricks with it, as she had lost her till, and all that was in it together: in about five or ten minutes the prisoners came in with some sausages for their supper; immediately the landlady charged them on suspicion: on searching them at the watch-house we found the keys. The constable charged me to assist him.

JOHN CHARD *sworn.*

I am a lamp-lighter. I know no more than the other witness. They did not quarrel with me.

D

(The

(The things deposed to.)

PRISONER COLLINS'S DEFENCE.

I was going out to get something for supper, and found these things tied up in an handkerchief, at the door: I took them home and put them into my chest.

Court. I shall not put Corderoy on his defence.

The prisoner Collins called four witnesses, as also the prosecutrix and John Chard, who said that he was somewhat in liquor.

TIMOTHY COLLINS, GUILTY.

Whipt and imprisoned six months.

ROBERT CORDEROY, NOT GUILTY.

Tried by the first Middlesex Jury before Mr. RECORDER.

134. **WILLIAM BENNET** was indicted for feloniously stealing; on the 12th of February, nine feet of wall wainscot, value 3s. the goods and chattels of William Rolfe.

WILLIAM ROLFE sworn.

I am a builder. I only know that the property stated is mine: I did not see him take it; I saw it in one of the houses in Tabernacle New Road, three or four hours before it was stolen, which was on Saturday last.

WINGARTH sworn.

I am a carpenter. As I was coming from the pay table Saturday week past, between seven and eight in the evening, I heard a great noise in one of the buildings belonging to my master; I stepped up and saw this bit of wainscot leaning out of the passage, half way in and half way out, with a rope round it; I heard a great noise as if it was cracking of wood; I walked backward and forward, and waited till the prisoner came out, which after a little bit he did, and took this bit of wainscot, and moved it from the door; I directly ran up

to him and took it from his arms, and called a man to assist me, and took him down to the pay table; I then put it in the cellar, and when we came back again we put it in another house, and locked it up: I am sure it is the same piece; I have not the least doubt: I gave it to the constable on the next Tuesday afternoon, and it has been in his care ever since: the constable's name is Michael Wayman.

Was that wainscot fixed up?—I believe it was pulled down before.

Prisoner. Where did you light of me?—I watched him out of the house, and took him with the wainscot: I saw a great deal broken up which is not mentioned in the indictment, all ready to take off, in the passage; but I took him with this in his arms.

What occasion had that door to be open at that time?—I cannot say any thing about that.

MICHAEL WAYMAN sworn.

I know no more than taking the prisoner into custody at Mr. Rolfe's, and that I have had the wainscot in my possession, brought me by Wingarth.

(The wainscot deposed to.)

PRISONER'S DEFENCE.

I was coming by the building and saw the door open, and being much distressed I went in to see for a bit of old wood to put under my arm, and I saw this, and I took what I could get.

GUILTY.

Whipped.

Tried by the second Middlesex Jury before Mr. RECORDER.

135. **GEORGE SMITH** alias **RICHARD HANNIBALL** and **ANGELICA BAZEN** were indicted for stealing, on the 23d of December last, a feather bed, value 20s. a pair of sheets, value 4s. a linen and cotton counterpane, value 2s. a looking glass,

glass, value 2s. a wooden chest, value 5s. a pillow case, value 6d. one iron candlestick, value 3d. the property of Ann Bibb, in a lodging room let by her to the said George Smith otherwise Richard Hanniball, enjoyed by him and the said Angelica Bazen, his pretended wife, in the lodging aforesaid.

ANN BIBB *sworn.*

I am a widow. I live in Vine-street. I keep a house there. The prisoner, George Smith, came to me, and asked me for a lodging; on Wednesday, the 17th of November last, he came to my house: I had a bill on the window: I shewed him the lodging, and went up stairs with him: he asked if he could bring his wife that night: it was a furnished room, up two pair of stairs forward: we agreed about the lodgings in the room: I told him, he might come in that night: we agreed for six shillings a week; and he desired me to light him a fire, and get him a candle, and some wood, which I did; he gave me one shilling earnest, till he came back; and between ten and eleven he brought a woman (as I expected to be his wife): he took the lodgings for him and his wife; then he paid me for the wood and coals: they did not live with me a week; my rent was to be paid weekly, and was due the 24th: the furniture consisted of a good feather bed, two sheets, two blankets, a counterpane, furniture to the bed, three chairs imitating mahogany, with horse-hair bottoms, a dressing glass, two tables, and a chest, sufficient fire irons, a tea kettle, and crockery-ware necessary for their use: the chest was of more value to me than my bed, because I respected it; but it was worth half a guinea: the prisoners went away on the 23d, at night, and did not return; and in the evening of the 24th I went into the apartment with my son; I got a key which unlocked the door; when I went in I was so frightened I shrieked out, and the neighbours came in: I missed my feather bed, a pair of sheets, a counterpane, (it was patch-work, made of cotton, cost three shillings and sixpence) a pillow-case, a dress-

ing-glass, a chest, and an iron candlestick; these were for their use in the lodging; they were all in the room when the prisoner took possession of it; I never saw any of the property, and I do not know how it went, only what they said and wrote; I went to the Rotation-office on the 25th of November, and got a warrant, and took an officer with me.

Had you frequent opportunities of observing him during the short week he lived with you, so as to know him again?—Every day he came into my own apartment; I have no doubt of the prisoner.

Was there any key belonging to your house, that you know of, that would open that door in which the black man lodged?—Not to my knowledge; I did not know before my son told me that there was any key in the house; the prisoner said she was a lady's maid out of place, and would go to service again, and also a mantua-maker, and he desired me to help her to work, and she was not with him when the lodgings was hired: the prisoner offered to pay me for every thing that was lost, the last time he was before the magistrate, Justice Walker, which was the beginning of February; the prisoner said he would give me a note to go and get a guinea, the next day, towards my loss; I did not agree to it: the prisoner was most commonly at home all day, and went out in the evening; in bed all day; he said he was a hair-dresser.

Prisoner. She said if I would give her a guinea, she would not prosecute me?—Never, upon my oath.

CHARLES YOUNG *sworn.*

I attend the Rotation-office in Litchfield-street, I had a warrant against the prisoner Smith, dated 25th November: on the 20th of January I was informed he was in the Dry-room at the Parade; I could not meet with him before; the Duke of York ordered the prisoner to be delivered up to us; I brought him to Justice Read's. He played the cymbals in the regiment.

Court. Was what he said before the magistrate taken down in writing?—I do not know,

know, his clerk was writing at the time, I could not find any thing, I went to Mrs. Sharrard's in Bowl-yard.

Prisoner Smith. At the time I was taken they were offered some money not to touch me till I was flogged, so the Duke of York gave them some money that I might be punished first, and then they were to take me; I was first punished, and then turned over to them; they got five guineas as far as I understand, for not taking me.

Had you five guineas?—No, not a farthing, I only had a shilling for executing the warrant.

THOMAS DALTON *sworn.*

I am a constable for the county: I had a warrant against the prisoner by the name of Richard Hannibal, dated the 28th of October, on another complaint; I apprehended him the Monday before the 20th of January; the officers of the regiment were then holding a court martial over him; he was taken to the Savoy, and on Wednesday the 20th of January I went to the Parade, and the Duke of York was on the Parade; I told the Duke I had a warrant against the prisoner, and he sent a serjeant with me to the dry room; he was delivered up to us, and we took him to Poland-street; he was committed for further examination: he was brought up again on the 22d of January, when the several prosecutors appeared; Mrs. Bibb appeared and swore to him, and to the woman who was in custody; he told me that the things that were taken from Mrs. Bibb were sold; that was in the coach going down to the prison; I made him no promise, but the contrary, nothing better or worse; I said to him, what the devil could you do with these things, to take away so many as you have done? he said it did not signify, they were all sold out and out.

Court. Then I understand you, your question was a general one, and not particularly applied to Mrs. Bibb?—Not particularly.

Prisoner Smith. Please to ask him if he did not clap his hand upon my shoulder,

while I stood in the Orderly-room, and would not take me prisoner?—Yes, because there was a serjeant, a corporal, and two more men about him, and it was the Duke's desire.

Then I understand you, you took him to be a military prisoner, already in the Orderly-room?—Yes.

Had not you any quarrel about the money?—No, my Lord, I have not even had the payment for the warrant.

Prisoner Smith. I have nothing further to say.

GEORGE SMITH, alias
RICHARD HANNIBALL, } GUILTY.

Transported for seven years.

ANGELICA BAZEN, NOT GUILTY.

*Tried by the second Middlesex Jury before
Mr. Baron THOMPSON.*

136. JOHN MASSEY was indicted for stealing, on the 28th of January, a cloth great coat, value 20s. a kersimere waistcoat, value 8s. and a pair of kerkimere breeches, value 1s. a man's hat, value 1s. the property of John Fox.

JOHN FOX *sworn.*

I have the pleasure of living waiter at Mr. Spencer's, Garrick's Head, Bow-street, Covent-Garden; about a fortnight before the 28th of January last, I hired the prisoner as an under-waiter, to serve Mr. Spencer; on the Sunday following I missed my property; he was with us a fortnight or more, I lost all the articles in the indictment out of my lodging-room, they lay on a table, the hat was in a box; I saw my great coat, hat, and a pair of breeches, at Mr. Lane's, pawnbroker, in Drury-lane; one of his servants are here; the prisoner confessed partly in Bow-street; I made no kind of promise whatever, I made no kind of agreement with any one.

Mr. Beth, Prisoner's Counsel. Did you send

send your master on this errand?—No, he went.

Did you desire your master to make any demand of these people for money, not to prosecute them?—No, Sir, not to prosecute him.

Did you agree to sell the boy a coat?—Yes, not that coat, the coat is at home.

When the boy went up stairs, was it dark do you think?—Two boys lodged in the same room with me, two under-waiters, he was one at the time.

Is there not a bed and table in that room?—Yes.

Do not you know there were other clothes laying there; were not all the clothes laying together on the table?—I know nothing of their clothes.

Might not the boy take these clothes for his own?—I cannot say whether he took them in the dark or light.

Did not you know that the boy's clothes were in that room?—Undoubtedly what clothes he had.

Do you know one Finchman?—I believe I do.

Do you know the prisoner's father?—I do.

Did you offer to take any money in order to discharge the boy?—No, I did not.

Was there no dispute between you when he went away?—No.

Did not you threaten to turn the boy away?—I told him several days before, that if he was not more careful not to make mistakes, we must turn him away.

Do you suppose he took away your clothes intentionally?—I believe it.

Court. After this boy was turned away and paid his wages, how soon did you miss the things?—He went away without notice to any one in the house, on Friday the 28th of January, in the evening; I missed my things on the Sunday; I saw him on the Monday following.

Mr. Beth. Did you call on the father after you missed the boy?—I did.

Did the father take you to the pawnbroker's where they were?—Yes, he did.

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straight to the pawnbroker, which I do not think had a good appearance.

There was no offer made by the father to you of any sum of money?—No; the father said if I would take two shillings a week, he would pay it, if I would not prosecute him; I would not make him any kind of promise.

CHRISTOPHER LAMBE *sworn.*

I am servant to Mr. Lane, a pawnbroker in Drury-lane, I have known the prisoner three or four years, he has pawned several things at my house; I have the coat and hat which he pledged the 28th of January, the breeches he pledged before, he had sixteen shillings on the coat, and six shillings on the hat; I gave him a duplicate of them on Friday evening about five; the breeches he pawned another day.

ELISHA RAY *sworn.*

I am a pawnbroker, I have a waistcoat pawned by the prisoner; I knew him, he pawned it in the name of Massey; I have no doubt of him.

JOHN FINCHMAN *sworn.*

I have known the prisoner from an infant, I was present at a conversation with the prosecutor Mr. Fox.

What passed between you?—The first time I had the pleasure of seeing Mr. Fox, there was the father, me, and Mr. Welchman in the public-house; he said he would be cast for death; I said I hoped not, so I hoped he would be favourable in the indictment; he said if any of us would lay down six pounds, he would take care not to go to that length, but he would favour us; that was our conversation on that day: on Sunday morning I went over to Mr. Spencer's house, where Mr. Fox lived, and was talking to Mr. Fox about it, and Mr. Fox recommended me to speak to them to lay down the money, that he might not prosecute him, that was the meaning of it; I understood from Mr. Fox that Mr. Spencer was to receive the money, and he would

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be answerable he should not hurt him; these were the very words; on the Monday morning following I saw Mr. Fox over at the Ship again, with the father and Mr. Welchman; Mr. Fox said, if we would lay down any sum, (he would not stipulate any sum) and give our joint notes for the remainder, he would not hurt the lad; the lad was in prison then, and before the first conversation; I have known the father eighteen years, and the child ever since, when he was apprentice to a taylor; I shall have no objection to take him now, if he is acquitted.

Mr. Beth. Did not you hear Mr. Fox say the boy would be hanged?—I heard him say if the boy was hanged, the money should be returned; but he said he would give his own note in writing that the boy should not be hurt.

Court to Mr. Fox. You have sworn in direct and plain terms; it was put to you, whether the father made to you an offer of any terms, and whether you accepted any terms? is what this man has sworn, true or false; he has sworn, that you, in express terms said, if any body laid down six guineas, you would favour him; is that true?—I made no agreement with him myself.

Is it or is it not true, in plain terms, what this man has said; he has sworn that you said, if any body would lay down six guineas, you would save him, and he should not be hurt; is all this true, or is it false; you denied every thing like it before?—Yes, what I said was concerning my master.

Did any conversation pass between you and the father respecting favour, and whether the father offered you six pounds, or whether you would accept it?—He was to make up the loss of my clothes which were sold in Monmouth-street.

Was there ever any conversation about the prosecuting of this boy between you, and the father?—I told the father if I could only have my property, that I would not lay the indictment so as to hurt him, I would put it under forty shillings.

Was that all that passed?—That was all, and that he would make up my loss, pro-

vided I would put the indictment under forty shillings, and the things that were sold out and out, was the money that he said he would pay me, that I should be no loser.

How came you to tell me befoore (you swore it in plain terms,) that there was no offer made by the father; was there any offer not to prosecute?—No, not to prosecute, it never was mentioned, only to recover my loss back: the things that were sold, that are not to be found; the father said if I would not lay the indictment so as to hurt him, meaning to hang him, he would get friends to make up the remainder of my property; I told him I could make no kind of promise.

I want to know again, whether what this man has sworn, is or is not true; he has sworn that you said, that if any body laid down six pounds, you would not hurt him; is that true or false?—That is false, it must be; I made no kind of agreement, not mentioned none; I said that my loss was ten pounds, and that I thought the things that were in pawn were not worth more than four pounds; I did not mention any sum, my master mentioned the six pounds; I promised the father to put the indictment under forty shillings, that was all, and the father never came to bring the money, therefore I did it voluntarily.

Court to Finchman. Was this promise, that if any body would lay down six pounds, he would favour him, or was any thing mentioned as to forty shillings;—No, Sir, nothing about forty shillings; he said he would not take his life; nothing was mentioned about forty shillings.

Did you understand that he would favour his life, or not prosecute him at all?—I understood by his saying, he would not hurt him.

WILLIAM WELCHMAN *sworn.*

I know the prisoner and his father; he said if he would make good the loss, he would favour him.

Did Mr. Fox say that he would not prosecute him, or save his life?—He said he would

would favour him, he would not hurt him.

Mr. Bribb. Was you present at any other meeting than that?—I was, it was on the same story; he there said before John Finchman, and Mr. Massey, and me, that if we put down part of the money, he would favour the boy, and if the boy was hanged, he would return the money; I heard Mr. Fox say, to-day in the public-house, if we had paid the money, this would not have happened, for him to have so much trouble; there were several people present, all strangers; the prisoner always bore a good character.

WILLIAM FINCHMAN, Jun. sworn.

I know the prisoner, and I know the prosecutor, but I never saw him before I came to the Old Bailey.

Have you been in company with him any where?—Never; I know the prisoner for one year; I never heard he was of a bad character; I never was at any meeting with Fox.

RICHARD MASSEY. sworn.

I know Mr. Fox the prosecutor.

What passed between you and him in the presence of Mr. Welchman and Mr. Finchman?—I heard a great rumour all over the parish, that he would insist on having the boy's life; I did not understand the nature of the law, and being a poor man, I got them to speak to him; we sent for Fox to the ship; he told us then absolutely, says he, Mr. Massey, it does not signify your begging the boy's life, for I must hang him; her sixteenth child was then at the breast: when he saw her in tears, and me the same, he said, if you will give me six pounds, I will save the boy's life, and if he is hanged, I will return the money to you; this I can go to death upon before God and the world.

Had you any meeting lately, where he insisted on the money?—He agreed with us the same time, to meet that night at six in the evening, on Friday evening was a

week; he said he could not come till Sunday; he did not come: Mr. Finchman went to him then on the Sunday evening: I met Fox on the Sunday morning; he told us then, if we would lay down any of the money, he would save the boy's life; I told him I was a poor man, I could not lay down any money; he said if Finchman and Welchman would lay down any money, he would do his pleasure, and nothing should be amiss: he did not mention the boy's life then; but he should not be hurt; leave it to him, and he would take care of all; I am sure he said he should not be hurt; I understood by what he said, that he would insist on having his life, and he should get a Tyburn ticket; he made use of the expression that he should not be hurt: that was on Tuesday morning: I do not remember he mentioned his life on Tuesday, but several times on the Thursday.

Did Mr. Fox call on you, to let you know that the boy had left his service?—Yes, he did call on me first, and said that the boy had been gone away for an hour: Fox came to me; the first word he said, he never saw me before, says he, are you Mr. Massey? I said yes; says he, I am informed your son is gone away, and taken some of my things; he said he had left his own things, and he missed some of his own things; says I, I hope he has not taken them; he asked me then, if I would be agreeable to take them out of pawn; I told him I would go with him to all the pawnbrokers, and search if they were in pawn, and do any thing else to get them; I went with him to several pawnbrokers, and described the boy, and he was with me personally, and we found all the things.

The Jury retired for some time, and returned with a verdict,

GUILTY.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. RECORDER.*

137. RICHARD

137. **RICHARD SUTTON** was indicted for feloniously stealing, on the 4th of February, one hundred and twenty pieces of copper money, called halfpence, value 5s. the monies of **Francis Cooke**.

FRANCIS COOKE *sworn.*

I am clerk to **Mr. Thomas Kendall**, of Shadwell, coal-merchant; on Friday the 4th instant, about ten minutes before nine o'clock, sitting in my compting-house, and my fire going low, I slept to an adjacent warehouse, in order to bring a coal in for my fire, which I did; and coming in again, I found this man at my desk; I askt him what business he had there; he made no reply, but came and asked me the price of coals: you do not appear to want coals, you must be a very great thief; with that he said it was time for him to go, and he attempted to go; and I looked immediately into my desk, and found a five shilling paper of halfpence gone; I went out and called out stop thief, and in the course of a few minutes he was taken with the paper on him.

Prisoner. What business had you to come up to me at the Lock-up-room; you spoke to me seriously at first; afterwards you began in a storming manner, and said that you would prosecute me, and that you might swear to me at the Justice's?—I swore to him at the Justice's.

The second time you swore to a particular halfpenny; the first time I was only committed on suspicion?—I swore to the money the first time, and he was committed on suspicion.

Court. After he had left you, did you go back to the compting-house to see what was missing?—I was instantaneously upon him; there was only that one paper of halfpence there, besides some loose ones, so that he could not take any more; when I saw him, he was at the desk, and the door of the desk was open.

Prisoner. How long was you out of the compting-house before you returned into it again, at the time you say you caught my hand?—About one minute.

How long was you out of the compting-house, when you say you pursued me in the street?—I think about two minutes.

Could you have sworn to me that I was the person before you saw me at the lock-up-room?—I could swear to him from seeing him in the compting-house.

THOMAS EGERLEY *sworn.*

I pursued the prisoner, and caught him in Cock-hill; **Mr. Cook** pointed him out to me, and I followed him; I lost sight of him at the top of Shadwell-market, but I got sight of him again in the space of ten minutes; he came up the steps, somebody said, there is the man running along; I pursued him, and followed him, and took him; I lost sight of him no more, I am positively sure that that is the same man I had seen before.

Where did you take him?—Just on the other side of Goodman's-fields; I delivered him to **Mr. Underwood**.

Did you stay to see him examined?—I did; he was carried to the Virginia Planter and examined, and five shillings worth of halfpence found upon him.

Where were they found?—They were found in his right coat-pocket.

Was there any mark on the paper?—None that I saw; it was a brown paper, and the halfpence were delivered to Underwood.

Prisoner. You cannot positively say that I am the same man that your master told you of at first?—You are.

How far distant do you think I was from you at first?—Not a yard.

You was behind me, and ran after me, and yet you knew me to be the same man, as soon as you saw me on Ratcliffe-highway?—Yes, I did.

My back then was to you, how could you tell? you could only see my coat; another man might have the same coat?—I am sure it is the same man.

WILLIAM UNDERWOOD *sworn.*

I took these halfpence out of the prisoner's pocket, at the Virginia Planter, and then kept

kept them till the last hearing, sealed up as they are now, when I gave them to Mr. Cooke.

(The money deposed to, particularly one halfpenny, by Mr. Cooke, being almost square.)

Court. How many yards might you run after him?—About eleven yards.

JACOB MURTON *sworn.*

I am a porter to a company of hemp and flax-dressers at Limehouse; as I walked along, I heard the cry of stop thief, and saw the prisoner before the person that cried out, about one hundred and fifty yards: I stoppt him; when I stoppt him, he laughed and said, you have got the wrong person; he stoppt very quietly at first, and afterwards tried to trip up my heels, and after that struck me in the face; he did not knock me down; he was carried to the Virginia Planter.

Prisoner. Mr. Cooke has sworn that the paper of halfpence that was taken out of his desk was packed up; ask Underwood in what position they were taken out of my pocket?—They were loose.

Court. Was any paper found about him at all?—This paper *(the paper produced)* was found in his pocket.

Court to Mr. Cooke. Do you believe that to be the paper in which they were?—Yes, I do.

PRISONER'S DEFENCE.

The halfpence, when Mr. Underwood got them from me, were tied up in my handkerchief, tied up in four knots. Mr. Underwood can swear it if he will: you see how the case is; Mr. Cooke will swear any thing to convict me. These halfpence I received from a shopmate of mine in a public-house; those halfpence were in my pocket handkerchief tied up as they are now; in the street I was used in a merciless manner; if I had not been beaten by them, I had not struck them at all.

GUILTY, aged 38.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. RECORDER.

NUMB. III. PART II.

The Recorder, on account of his crime being aggravated by the resistance he made, pronounced sentence immediately after conviction: when the prisoner thus addressed the Court;

“My Lord, I have yet one favour, and that is, that I may be sent out of London as soon as possible.”

Court. I believe you may be soon, as there is a ship getting ready to go out.

138. JAMES ISAACS and HENRY HOWARD were indicted for feloniously stealing, on the 15th of January, seven pounds weight of mutton, value 3s. three pounds weight of spare-rib of pork, value 18d. and six pounds weight of chine of pork, value 3s. the goods of Sarah Sophia Walter, Spinster.

(The case opened by Mr. Knowlys.)

SARAH SOPHIA WALTER *sworn.*

I am a single lady, I live in Upper Norman-street, I keep a house, I am not the first person who saw the loss; I saw the meat in the safe on Saturday night.

SARAH BATTSON *sworn.*

I am servant to Mrs. Walter, No. 47, Upper Norman-street, I was the person who put it into the safe the last thing the night before; I hung up a leg of mutton at eleven o'clock on the night (being Saturday night) preceding the loss; and a spare-rib of pork, and a part of a chine of pork; on Sunday morning I missed them while I was unfastening the stair-case window, about eight o'clock in the morning; I immediately went into the yard, and saw the safe-door open, and that it was stript of all its contents; perceiving this, I went up stairs and told my mistress.

Did you see the prisoners afterwards?—Not at all till they were taken, and I saw them at the Justice's; I heard they were taken on Sunday, but did not go to the office till Tuesday, as they were not examined before.

Court. Where was the safe placed?—In the yard.

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Before

Before or behind the house?—Behind the house.

How can persons get to that yard?—They get over the wall.

What does it communicate to?—It goes over to the rest of the yards, and communicates to Hoperast's Garden, and is a pretty large yard.

JOHN LAMBY *sworn.*

I am a watchman; on the morning of the 16th of January, I was at the corner of Berwick-court, Nassau-street, a great way from Norman-street, between two and three that morning, I saw the prisoners pass by, one (Howard) having a piece of meat under his right arm.

Were they both together?—They were both together, and came in company together down the street; I stooped in the middle of the street, and put my stick before them, and asked them what they had got there; they said nothing but a piece of meat; with that I passed, and let them pass; with that another man (Lovett) followed them up to where they lodged, and sent up for me to bring a light, in consequence of which we entered the premises, and found all the property in the premises; we found two legs of mutton, and a spare rib of pork, and part of a chine; they told me that they bought it at Islington; of a man that had a cart. Lovett asked him why they bought so much; they said that when people have a little money to lay out, people have a right to lay it out to the best advantage; when going along, they said they found it on a dunghill near Hanover-square.

Do you know whether the other man, at the time you passed him, had any thing on him or no?—I cannot positively swear, Lovett can tell more than me.

Are you sure they are the two men?—I am, I knew them before.

Do you know whether one or both had bundles?—I cannot positively swear to Isaacs, because my principal object was to Howard; I am positively sure that Howard had one.

How soon was it afterwards you went to

the lodgings?—In a very few minutes; I dare say the lodgings was not above fifty yards to where I stopped them: it is Howard's lodgings; whether the other lodged there, I cannot tell.

RICHARD LOVETT *sworn.*

I am an officer at Mr. Read's office in Poland-street; I had an information, and saw these two men pass, and asked Howard what he had got there; he said meat for his Sunday's dinner; in about two minutes after, Isaacs came past, he had some meat in a bundle; I went down after them into a kitchen in Gay's-court, and took one Davis with me; in going down to the kitchen, I desired him to call the watch to me, who came, and we found part of the meat on the table, and part thrown into a large box.

How did you get the box unlocked?—I asked for the key, and Howard gave it me.

Prisoner. I unlocked the box myself.

(The meat produced and deposed to.)

SAMUEL HYRONS *sworn.*

I saw the meat; I can swear to the pork.

Court to Lovett. Are you sure these two men were in company with each other, and that Isaacs had some meat in a bag?—I am sure, I followed them both, and never lost sight of them.

What time of night was it?—Between two and three.

PRISONER HOWARD'S DEFENCE.

On Saturday night, after Isaacs and I were both paid, as we both work for one master, we went to buy a pair of shoes; going along, we saw something lay in the street; it was such a thing as they put butter in; I took it up, but them men never saw me, my Lord, any more than you do now; they never saw me any more than a child unborn.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

139. DANIEL HOPKINS was indicted for stealing, on the 8th of October last, one wooden trunk covered with seal-skin, value 20s. one thousand three hundred and sixteen prints, value 822l. 3s. fifty-nine drawings of Dutch and Flemish masters, value 117l. two hundred and thirty-two fans, value 263l. nine hundred and thirty-seven fan mounts, value 100l. the property of Anthony Poggi.

(The case was opened by Mr. Knowlys.)

(The witnesses examined separately.)

ANTHONY POGGI sworn.

My Lord, I am an artist and publisher of prints from others as well as my own works: intending to set off for Holland, I made a collection of prints, to make my journey more profitable; and having all ready on the 8th of October last, that very night I was going to set off; I meant to take two trunks and a small imperial, with me in all, which were conveyed from my house in a cart altogether, about sun-set that same day; I am not very certain as to the particular time, but I know I dined that day after five o'clock, because I would see that business done first, those trunks packed up and sent off. The cart went with them from my house, No. 7, St. George's-row, Baywater, close to the Chapel, through Oxford Turnpike; I sent one of my people, Mr. Frederick Morant, with the cart, and consigned the large trunk and the imperial to Mess. Collins and Clerjon, by Exeter Change, to ship for Rotterdam.

Did all the three boxes contain prints?—Not all, the greatest trunk contained the greatest part; the whole, which is mentioned in the indictment, I lost with the great trunk, except a few prints in the imperial, with two large coloured prints in stretching frames; there is not a single article mentioned in the indictment, but what was in the trunk that was missed; namely, thirteen hundred prints more or less; there were seventy-one or seventy-three dozen and an half fan mounts engraven, many of which were printed in colours, packed up in either two

or three portfolios, which were in the trunk; fifty-nine original drawings, of Dutch and Flemish masters, also in a portfolio.

Of what colour were the portfolios?—They were of blue marble colour, except one or two of a white ground colour, with dark and red spots? there were five portfolios in the trunk in all.

Mr. Schoen. You say that on this day all the prints mentioned in the indictment were put into the great trunk; do you mean to say that you yourself put them in?—I was there and assisted.

Court. Do you mean that all those prints were put into the great trunk?—I do.

What did you mean by saying, except a few?—There were two or three articles in small black frames with convex glasses, that I took out, and put into my travelling trunk, to present them, with the prints of the Orange family, to the Prince of Orange.

Mr. Schoen. You said just now, that these things were put into the trunk; do you mean to say that you speak this by a written document, or by recollection?—I speak of it by the remarks then made.

Then I understand you have not a clear memory of the transaction itself, but by referring to your remarks?—They were too numerous for me to keep in my memory.

Where is Mr. Morant, who assisted you in putting them in?—He was in court with me, and withdrew with the other witnesses.

You know nothing further then of the transaction yourself?—No.

Mr. Knowlys. Did you form these catalogues of the articles at the time they were put into the trunk?—They were done on separate papers, and I have copies of them here.

Did you copy them yourself?—No.

Mr. Schoen. Then that is no evidence.

Mr. Knowlys. Mr. Poggi says this, that first of all he put these articles down on separate papers, and afterwards had them copied together: Now I would ask this question, whether this catalogue of the whole was put together at the same time?

Mr.

Mr. Schoen. The first paper is the real evidence.

Mr. Knowlys. Mr. Poggi, were these separate pieces reduced to one catalogue the same day?—No, they were not; we had not the time.

Are those papers in existence?—There may be some lost; I believe I have many in my pocket, together with the original bills of parcels.

Who made them?—Some were made by me, some by Morant; but Morant copied them all.

FREDERIC MORANT *sworn.*

Mr. Knowlys. Was you in Mr. Poggi's house and service on the 8th of October last?—I was.

In what way was you assisting him in his service?—In retouching his prints.

Was you employed by him on the 8th of October, in packing up for Mr. Poggi, to prepare for his journey?—I was for three days before; I wrote the greatest part of his investment.

How many trunks were put into the cart?—Two trunks and an imperial.

Where were they to be conveyed to?—To Mess. Clerfon and Collins in the Strand; there was one large trunk which contained prints and drawings, I assisted in packing them up.

Besides drawings and prints, was there any thing else?—I fancy not; they were packed up some in rolls, some in portfolios, and some loose, at the bottom of the trunk; I do not recollect there was any thing else.

Have you seen the articles in the indictment?—Yes, I am certain all these things were in that large trunk; I went with the cart straight down Oxford-street; the trunks were secured by a cord; I left the cart for about two minutes or more, the corner of Newman-street, Oxford-road; I got sight of it again in Gerard-street, the cart was coming down Nassau-street, the cart went to Collins and Clerfon's house in the Strand; upon asking the porter to assist me there, I missed the trunk; it was fastened by a strong rope, but I found it cut in

half, and the large trunk contained prints and drawings, which I can speak to when I see them.

Court. You said nothing about fans?—There were fans put up in separate dozens.

Mr. Schoen to Mr. Morant. You are certain all the articles in this indictment were put into this trunk; I should like to know from what your certainty arises?—On account of making catalogues of the several things I put into the trunks.

Then you speak from the catalogues, and not from positive memory?—Yes, from positive memory also.

It appears to me very extraordinary that you should have a better memory than Mr. Poggi himself?—I am very fond of looking at prints, and therefore I looked at the best part I put in, and so I can speak to a certainty, without referring to the catalogue.

How was this trunk placed in the cart?—The last in the tail of the cart.

With the rope round it?—The rope was not round it, but it went from one end of the cart to the other.

In a way that it might be rubbed?—I fancy not.

Court. The rope was placed across the three trunks?—It was.

Did you assist to put it across?—I did not, but I saw it done.

How high was this trunk when it stood in the cart?—It was a very high one.

What do you mean by very high?—It was a large big trunk; it might be about a yard high.

Mr. Knowlys. Did I hear you correctly, when I heard you say the rope was cut; did it appear at the time to be cut?—I looked at the cord particularly, and found it was cut with a sharp instrument.

JOHN COOPER *sworn.*

I am the carman, who drove these goods from Mr. Poggi's house.

Have you the rope with you that secured the tail of the cart?—I have, it was whole at Mr. Poggi's, and I found it cut when I got to Collins and Clerfon's in the Strand, and

and a trunk was missing which was put in at Mr. Poggi's.

Mr. Schoen. Did it not appear to be wore?—It was a new rope, and it was cut.

(The rope examined by the Court and the Jury, being cut.)

Mr. Schen. Did you fasten the rope about the tail of the cart yourself?—I did. This was a pretty heavy trunk that was lost?—It was so heavy, that three of us could with difficulty put it on the cart.

ALEXANDER STEWARD *(sworn)*

I am a patrol belonging to Bow-street; on the 6th of November, a little before eight, a man of the name of Hayman passed me, between Norfolk-street and the Talbot Inn, in the Strand; I had Evan Lewis with me; I passed Hayman with a trunk on his head, and spoke to him, a little this side of the Talbot Inn, and followed him along the Strand; and when he came opposite Catherine-street in the Strand, he went up till we came opposite to Tavistock-street, and turned in with the box on his head; going along, about the middle, I asked him what he had got in the trunk; he went on, and I went on with him, when he threw down the trunk, and refused to go any further; this was about half way down Tavistock-street, about one hundred and fifty yards from Maiden-lane, but the direct road to it; I took him into custody, and my partner secured the trunk; that trunk and its contents are here; I can swear to it.

Was there any direction on the trunk?

—There was, but I do not know it.

Do you know whether Hopkins's house

was searched after this fact?—I do not.

Do you know Hopkins?—I know him

now, but not before.

Mr. Schoen. My worthy friend has asked

you, but for what purpose I cannot say,

whether Tavistock-street is not the direct

road to Maiden-lane; and we all very well

know that it is the road to Covent-Garden,

to Chandos-street, to Westminster, and to

fifty other places; as well as to Maiden-lane?—It is to be sure.

EVAN LEWIS *(sworn)*

I am one of the patrols belonging to Bow-street; on the 6th of November last, I followed a man of the name of Hayman, with a trunk, a quarter before eight in the evening; we got near to the Talbot Inn, Steward and I were together, when we met a man of the name of Hayman, whom we followed to Catherine-street, and from thence to Tavistock-street, in the middle of which he threw down the trunk, and I secured the trunk, and Steward laid hold of him; we asked him to take up the trunk, and he refused, and we took him into custody; I took the box and man to Bow-street, but it was shut.

Had the box any mark on it?—There was a direction on it, but I did not perceive what it was.

Where was it?—At the bottom of the trunk, there was a card or paper; but I did not see it all.

You did not know Hopkins, or where he lived, before?—I did not.

Did you attend the search at his house?

—I did not.

Did you say that you should know the box when you saw it again?—I did, Morant had the care of it, till it went to the office in the morning.

When was it delivered to Morant?—It was delivered to Morant that night, I believe.

Mr. Schen. You had the care of the box, Steward had the care of the man, and you say that you believe the box was delivered to Morant, but you are not certain?—To the best of my knowledge it was.

But you are not sure of that fact; where did you deliver it to him?—Two or three of us had the care of it.

Where did you leave it?—I left it at the box at the Brown Bear, opposite the office in Bow-street.

When?—At about half past ten.

You do not know in whose hands you left it?—I went down to our captain, Henry

G

Crocker,

Croker, into the Strand, and told him what had happened, and brought him up.

Were there many people in the tap-room?—There were some, about five or six.

Mr. Knowls. In whose ever hands you left that box, you now produce the same you took from Hayman?—It is.

Was the box opened before you?—It was not.

What was the contents of it, then, you cannot tell?—I cannot.

MOSES MORANT sworn.

I am one of the officers of Bow-street.

Do you remember on the 6th of November, seeing Lewis and Steward bring in a man of the name of Hayman?—Yes.

Did you see the box brought?—I did.

Court. Do you know the day of the month from your own knowledge?—I am certain it was on a Saturday night.

What became of the box they brought with Hayman?—I have had it in my care at my house.

How was it secured at your house; was it opened?—No.

When was it opened?—The next day, or the day after.

Was it opened before it came before the magistrate?—No, it was not.

Was there any key produced with it?—No, there was not.

Was it unlocked by the magistrate, or broke open?—The lock was picked.

What part of your house did you put it in?—I put it in my bed-room, and I have had it there ever since, and I produce it now.

That box that you produce now, is it the same box that was delivered to you when the men brought in Hayman?—It is, it was delivered to me by Croker, Steward, and Lewis.

Where was it you first saw Lewis and Steward?—At Bow-street.

What part?—I do not know, whether it was at the office, or at the Brown Bear, we were all together, backward and for-

ward; it was delivered to me there, and I carried it home.

On account of this trunk being produced, a search warrant was granted?—No, but a search was made, and I attended.

(The box produced.)

To Lewis and Steward. Is that the box you took from Hayman?—It is.

To Morant. And you have had it in your custody ever since?—I have.

You say a search was made the next morning; do you know Hopkins's house, was it in Maiden-lane?—It was.

What number?—I forget, it is the corner of a court.

Did you know his house at the time the search was made?—I knocked at the door. Had you known that to be his house before?—I heard say so, but I never was at his house before.

Did you happen to know from the prisoner himself, at any time, whether it was his house or not?—I did not, I did not know till I went to it.

How did you know, when you went to it, it was his house?—Because there were two servants that answered, and in consequence of an inquiry I went to that house was Hopkins's house.

What part did you search?—I searched it from top to bottom; I took a man whom I found in the house, and who gave me an answer, up stairs with me.

Was he the man that opened the door to you at your knocking?—He was, and two women besides; the man said one of them was his wife, but only the man went up; in the dining-room, up one pair of stairs, we found some pictures in frames, some coloured, some not; they are here; some were hanging up above stairs, some below; there were two or three officers of Bow-street with me; there were Croker, and Lavender, the clerk at Bow-street; I turned the carpet up, and saw a small paper parcel, which had four drawings in it, Croker took it up; this was in the one pair front-room, which I call the dining-room.

Was this in the presence of the man whom you took to be Hopkins's servant?—It was; these prints were under the carpet on the floor.

Was the carpet fastened to the ground, or loose?—It was loose.

What led you to take up the carpet?—I saw a good many things about in the gambling way.

Have you got these prints here?—Croker has got them ready to be produced.

There were a man in the house, and two women?—There were two men and two women.

These pictures and frames were hanging up in the dining-room?—Some of them were, and some in the back-parlour, and some in the kitchen.

Do you know who occupies that dining-room?—I understood by the people in the house that it was Hopkins's.

And as to these cuttings, what were they of?—The cuttings of prints or long strips of paper, which laid like waste paper.

Where were they?—They were below, some in a drawer, and some out.

Mr. Knowlys. You knew before this, that Hopkins lived in Maiden-lane?—Yes, but I never was at his house before.

Mr. Knowlys to Lewis. Look at that trunk; is that the trunk you took from Hayman?—It is.

Mr. Schoen to Lewis. This was pretty late at night?—It was.

It was dark?—It was.

You saw no more of the trunk than in carrying it to the place where you took the prisoner Hayman, till you left it on the table at the Brown Bear; now having seen it at that time, and it being a dark night, can you take upon yourself to say that that is the very same trunk?—I do, I took particular notice of it that night.

It seems to me to be a trunk not very easily identified; however, you are certain, although you only saw it the time you took the prisoner Hayman, till you left it on the table at the Brown Bear; what else did you find?—Afterwards we found the cuttings of long prints in framing them, and some

frames; we brought the cuttings away that time, but not the frames, till the next day.

Whereabouts did you find them?—We found them in the shop below, which had the appearance of a shop made like a lottery-office; they were in a drawer behind the counter.

Did you find any thing else?—We only made our observations on some gilt frames, and some straining frames, and some canvas; and the next day we fetched them away; the straining frames were below, and the gilt frames in the dining-room.

Mr. Schoen. This is as long ago as the 6th of November, that this trunk was brought to you; the robbery, we have heard, was committed on the 8th of October, and the 6th of November this trunk was brought: now do you know which of the three brought it in?—They were all together when I received it.

If I understood you right, Croker, Steward, and Lewis, came in together, and Croker had the custody of the trunk?—I cannot pretend to say that; they were all together, that is all I can say, and they came all together to Bow-street, with Hayman and the trunk.

Now you first saw the trunk, you told us at the office; was that the first place you first saw the trunk?—I do not know where I saw it first; I might get it in the street for what I know, but I know I got it of them.

Now Maiden-lane, to a house there, is the place where you went; you say you did not know it was Hopkins's house?—I did not till I went to it.

Mr. Knowlys to Steward. Is that the trunk you took from Hayman?—It is.

Mr. Schoen to Steward. How do you know it?—I know it positively, because I put a mark on it on Saturday night.

At what time?—It might be night about half past eight.

In what situation; where was it?—It was then at the Brown Bear, Bow-street.

You did not carry the trunk to the Brown Bear?—No.

Lewis did?—Yes.

What time afterwards was it you made this

this mark; how long after?—It might be three quarters of an hour, that is, including the time that we stopped Hayman.

Was it after Morant had it that you made the mark?—No, before.

Was it after the trunk had been left at the table of the Brown Bear?—Lewis took it to the Brown Bear, and I kept it till Mr. Morant had it.

And he has told us he does not know any thing of the matter.

Mr. Knowlys. Did you put your mark on it before you left it?—I did.

HENRY CROKER *sworn.*

I am one of the patrol belonging to Sir Sampson Wright; I saw this trunk at the Brown Bear, Bow-street, on the 6th of November, one of the men informed me that they had stopped a suspicious person, and desired me to attend at the Brown Bear.

Did you see Lewis and Steward in possession of that trunk?—I did.

Hayman, the man, was then in custody?—He was.

Did you go to search Hopkins's house?—I did.

When?—On Sunday, the next day.

Do you mean the next day after that trunk was brought in?—I do.

Do you know that that was Hopkins's house, or what house was it?—No. 27, Maiden-lane.

Whose house was it?—I understood by the servants, it was the house of Mr. Hopkins.

Whose house did you go to enquire for?—Mr. Hopkins's; I believe Mr. Morant knew it.

Who went with you?—Mr. Morant and another.

Who was the other?—Mr. Lavender, the clerk of the office.

Did you search the house?—I did.

Tell us what you found?—Here are some prints that have been in Mr. Morant's custody, and I marked them; some of them in gilt frames; and four drawings, which I picked up from under the carpet; and in the shop we found some cuttings, some

laying on a counter, and some laying in a drawer.

Mr. Schoen. Is that Mr. Poggi's trunk?—I do not know whose trunk it is.

The room in which these drawings were found, was the dining-room up one pair of stairs, they were hanging against the wall, not concealed at all?—No, not at all, only finding those things under the carpet.

Court. Were they hung up in the room as furniture might be, or as for sale?—They were hung up in form, and not as for sale, here and there indifferently.

CHARLES JEALOUS *sworn.*

I am one of the officers attending at Bow-street.

Do you know Hopkins, the prisoner?—I do.

Where does he live?—In Maiden-lane.

How did you know he lived there?—I have seen him before.

Did you go there as to Hopkins's house?—I did.

You made a search there, I believe, on the 8th of October?—Yes.

And found nothing?—No; I went then to look for a large trunk, about eight or nine at night; I saw a young man there, and asked him if Mr. Hopkins was at home? he said no; I said I was coming to look for a trunk; he said I might and welcome.

Did you, on that occasion search under the carpet of the house?—I did not, I only went to search for a trunk.

WOODLAND *sworn.*

But objected to on the part of the prisoner by his Counsel, because he had been in Court, during the examination of the other witnesses.

WILLIAM BANNISTER *sworn.*

Do you know the prisoner Hopkins?—I know him by sight.

Did you ever let any house to him?—Yes.

What house is that?—No. 27, Maiden-lane.

When did you let it him?—I cannot say exactly.

Was he the tenant of that house in October

tober last?—I cannot positively say to that, I left the house a twelvemonth last Christmas.

And Mr. Hopkins succeeded you?—Yes.

Do you know of yourself to whom Mr. Hopkins paid his rent?—I cannot tell.

Have you seen Hopkins in that house since?—Yes.

When?—I cannot positively say, I have seen him in the lane go past my door; I live at No. 33, and he at No. 27.

How lately have you seen him go into that house?—I cannot say, I have not taken notice when he went in, or when he went out.

Mr. Schoen. He took the house of you twelve months ago, and though you have lived the same side of the way in Maiden-lane, you have not seen him go into the house lately?—I never took any notice.

STEPHEN SEABROKE *sworn.*

I live in Maiden-lane, opposite No. 27, I saw the prisoner go in and out there frequently.

You are a butcher, did you ever go there with meat?—I have sent over meat there.

For whom hath it been purchased?—Mr. Hopkins.

Court. How lately have you seen him go in?—About Friday I believe; it was one day last week.

During what time have you seen him go into the house?—I do not know how often, it may be a score times.

Within what time, how far back?—

Within this month.

Have you seen further back than a month?

—No.

When did you send him meat?—Not long ago.

Two months ago?—No.

One month ago?—Not so long.

HANNAH PERRINS *sworn.*

I am wife to Mr. Samuel Perrins, I live in Williams-street, Surry side of Blackfriars Road.

Do you know the prisoner at the bar, Hopkins?—Yes.

Do you know where he lived in October?

ber?—On the 28th of October he came and took a lodging of me.

Did he take the lodging in person, or any body for him?—He came himself and a gentleman with him.

Who was that person that came with him?—He called himself Mr. Hutchings.

When they came to take the lodging, did you know the person's name that took it?—No; it was not told me.

What account did he give of himself?—He told me that he was a gentleman just come from sea, and that he wanted this apartment for five or six weeks, or it might be five or six months.

Did he during this time ever communicate his name to you?—Never.

You let him the lodging?—I did.

How long was he at your house?—One week, from the 28th of October to the 4th of November.

What did he bring with him?—He brought four trunks with him.

Did you see him at any time after the 4th of November?—On the 6th I saw him.

Did you at any time see any of the contents of those trunks?—No, nothing that was contained in those trunks: I had a chest which he borrowed to put in five or six large portfolio's, which he called the Atlas books. In a week after he came and took away three trunks, which he put inside a coach, and as there was no room, he desired to leave behind the small trunk and the Atlas books: he took away the key of the chest and of the room where the trunk was.

Was the chest empty?—The chest was empty when I let him the rooms: I gave him the key: there were some portfolios, five or six of them: one of them was opened, and I saw something printed; I do not know what; they were what are commonly called pictures: Mr. Hopkins took them away, to the best of my remembrance, between six and seven o'clock at night; it was dark: at the same time a little trunk was removed, which I cannot say I know, but I should know a card that was at the

H

bottom

bottom of it: this is like the trunk, but there is no card on it.

Did you observe the name on the card?

—Yes; a Mr. or Mrs. Shenton.

Croker. This is the card Morant took from the trunk.

(*Mrs. Perrins looks at it.*)

I believe this is the card: it is Mrs. Shenton: a porter took it away: I should not know him: nobody came but him and Mr. Hopkins: my husband knew the porter again: they both set off from my house between six and seven; that was as near the time as I can recollect: the other property was gone the 4th. The prisoner slept at my lodgings one night. Four men, one of which was Morant, and a Mr. Lavender, and Mr. Croker: I cannot say the name of the fourth man; they visited my house between twelve and one on Sunday: I had not let the rooms to any body after he went on the Saturday night, nor between the 4th and 6th, during which time he had the key.

Court. What time of the day on the 28th of October did he come?—About eleven, to bring his trunks: he took the lodging about ten in the morning: he brought the four trunks in a coach: nobody came with him.

SAMUEL PERRINS sworn.

I am the husband of Mrs. Perrins, at No. 10, William-street, Surry-side of Black Friars Bridge. I know the prisoner very well: he took a lodging of me the 28th of October, and staid a week: I was not at home; I did not see the prisoner till the Monday following: I never heard his name, or asked it, or had any conversation with him: he took the chief part of his things the 4th of November, on a Thursday: I saw a trunk or two brought down stairs and carried to the coach, about six or seven in the evening; it was dark: he begged to leave a trunk for one night: there was a chest of mine stood in the room, which he begged to use, and locked up; he fetched away the trunk on Saturday evening, about

seven; it was dark: I was at home: a man of the name of Hayman came with the prisoner; they both came in together: Hayman had a lanthorn; Hopkins brought down the trunk, and Hayman carried it away; they went out together: I shut the door: he carried on his shoulder something that appeared to be portfolios; for I saw the edges without the candle: nobody had access to the rooms: he would have locked both rooms, but my wife desired him only to lock the dining-room door, where the large chest and the small trunk were: he had the keys of the dining room and chest: on the Saturday night he left the key in the door: Sir Sampson's people came to our house on Sunday the 7th, between one and two: I went in with them; I begged them to search all the house, if they pleased: they asked only for Hopkins's apartment: nothing was found but some shreds of paper under the grate; Mr. Croker found them.

Morant. They were burnt all to pieces: we brought none of them away.

Perrins. The prisoner slept there but once to my knowledge: I never saw him go out, only when he removed on the Thursday and Saturday: I believe this is the trunk he left last of all: there was a direction on the bottom when it stood in the passage: it was a Mr. or Mrs. Shenton, and appeared to be on a printed card; (*looks at the card*) this is the direction: I knew the porter that Hopkins brought; I knew his name at Sir Sampson's: the man I saw at Sir Sampson's was the same man Hopkins brought to take away the trunk—

(*Hayman brought in.*)

Perrins. That is the man, I am very certain.

Prisoner. Did the trunk stand in the passage?—Mr. Hopkins set it in the passage endways, and by light of the lanthorn I read the direction; for Hopkins held the trunk endways by one hand.

JOHN HAYMAN sworn.

I am a carpenter and organ builder. I have

have known Mr. Hopkins about ten years. I went from Mrs. Evans's, the Lower Marsh, Lambeth, where I had been doing some work all day; I was going up to Mr. Abbot's, for a bit of wood to make a pallet for a painter; as I was going I saw Mr. Hopkins (*that gentleman there*) and a little man in black; and he says, here is Hayman; it was almost at Mr. Abbot's door: Hayman, says the little man that was with him, will you carry a trunk for me? I said, where? he said, to No. 27, Maiden-lane, Covent Garden; it is at No. 10, Williams-street, Black Friars-road: I asked who was to pay me for it? a lady will pay you, says he; I said, who is to deliver it to me? he said, *Dan*: I went with Mr. Hopkins, or Daniel Hopkins, to the house: I borrowed a lanthorn, and went down to Rowland Hill's Chapel, behind which is this No. 10; this old gentleman let me in: nobody but me and Mr. Hopkins went into the house: I do not know what became of the little man; I did not see him after we passed the turnpike: an elderly lady, wife of the old gentleman, went up stairs, and Hopkins brought down a trunk, and set it on its end in the passage; Hopkins said, that is the trunk; you take it home to my house, No. 27, Maiden-lane, Covent Garden: when the old lady came down stairs, the old gentleman opened the door, and I came out; Hopkins followed me, I believe; he sent down, while I was in the parlour, for the canvas which he had dropped, which he said was to tie up his lottery books in; I did not see the books; I went over Black Friars-bridge, having had a broken leg; it was dark; I left the lanthorn; a patrol stopped me by the New Church; says he, what have you got on your head? says I, my own trunk; where do you live? No. 25, Lemon Pond; where are you going with it? says I, No. 27, Maiden-lane; I was very much in liquor; whether it was liquor or not I tumbled down; this is the trunk they took away from me; I told them I was going to carry it to Dan Hopkins's; I was examined three times and committed; this

is the very trunk they took from me; I believe it to be the trunk they took from me; I believe it to be the trunk; when Sir Sampson opened it, it proved to be pictures.

Mr. Schoen: You have known Hopkins for some time?—Yes.

Did you know of a lodger he had, one Miss Roe?—No.

Are you perfectly sober now?—I believe rather so.

Mr. Pegg: I have already identified these four drawings; they are my property; they are part of the contents of the large trunk that was lost; I bought them in this metropolis about a twelvemonth ago, with a large number of a Mr. Phillipé, a dealer in that sort of articles; they are all different subjects, and to the best of my judgment original drawings; I gave six pounds for two and three pounds for the other two, in Dutch money; I have not the least doubt but they are mine, and were in that large trunk; I bought the two large ones as the drawings of one Cats, an artist; and the two small as by Heyverdingen; I had not sold or given them. This is Bacchus and Nymphs, or the Nursing of Bacchus; this is mine; it is not in the same state in which it was lost; it was in a square paper; this plate was brought to me to have my criticism on it, in the state in which it is now, by my engraver, Mr. Pestolini; I know this, because I desired my printer, in my own house, to take off a small number of impressions, in the state in which the plate then was; it is a coloured plate; it never was published; it is an impression from an unfinished plate; none of the impressions have been yet finished, and this impression is not retouched, which is always the case to make it saleable; I packed up eleven of these unfinished, in colours, and fourteen in brown in the large trunk; they were none of them finished or sold: this print is also mine; it has since been cut and put in a frame; the print is called *Veillez amans si l'Amour dort*: Morant, the young man, had been recommended to me; I gave him four of these to retouch, and

and I know it by that ; it was not accurately retouched ; this plate has been in circulation, but none in this state in which it was retouched ; I am proprietor of the plate : there were no more of this subject retouched by Morant, but two, one of which is in the trunk, and two are in the trunk retouched by somebody else : this is the Origin of Painting ; this has been retouched several years ago ; this is one of the first impression, and I took a particular pleasure in finishing it myself, with intention to make a present to a gentleman.

Look at all the rest that were found in the lodgings, and tell us what you say to them ?—I have seen them.

Are they all such as were in your trunk ?—Exactly so ; I have looked at every one : these are cuttings of margins of prints ; they have been to a press ; but I cannot identify them.

Morant the engraver. I am certain this is of my retouching ; this plate was one of those that was put into the great trunk that was lost.

Mr. Poggi. I have examined all the prints in the box, article by article ; they were sealed with my seal at Sir Sampson's.

Is there any one print in that small box that was taken from Hayman but what are the same as those that were in the great box which was taken from the cart ?—Not a single one.

Look at this plate of Sir Robert Boyd ?—There were two such as these in my great trunk, that was lost, and here are two in this small trunk.

Are there many there that have not been in a state of publication ?—A great many.

Are you sure those that are not in a state of publication are yours ? and do you believe the others to be your property ?—I do affirm it : here are Bacchus and Nymphs in an unfinished state, that never were retouched nor published.

PRISONER'S DEFENCE.

My counsel is totally unacquainted with any thing that I can say, he had my brief so late this morning, for Mr. Garrow, who

was retained as counsel for me, might have been in a better state than the gentleman who now has my brief. This trunk was not delivered to Hayman by me, and was delivered through the instructions of the man in black ; this trunk I acknowledge I did deliver to Hayman, by the order of the man that was in black ; I trust that trunk is not considered as my property ; the apartments where the things were found, was No. 27, Maiden-lane ; the house I acknowledge is mine ; but these apartments were let ; it is very hard that I should be accountable for other people ; I had a difference with my wife ; I went and took a lodging in William-street ; this man is a debtor to me ; he desires me to take this trunk as a security for my money ; he comes and settles with me ; then he desires me to deliver this trunk to Hayman ; this said person in black cohabited with a Miss Roe, who lodged in this said one pair of stairs.

For the prisoner.

JAMES BENHAM sworn.

I was a publican at the time, Mr. Hayman was at my house ; I kept the George, at Colebrook, in Bucks ; I live now in Middlesex, about a hundred yards from the George ; I keep post-chaises. I know the prisoner.

Do you recollect the beginning of October his being at your house ?—Yes, I do, perfectly well, with Mr. Duck and Mr. Dixon along with him, in company.

Did you make out this bill ?—(*A bill of entertainment shewn him.*) This is my hand-writing ; it was the Thursday morning, the beginning of October ; Mr. Dixon came first, on the Windfor coach ; I was just going to market ; Mr. Dixon came first ; then Mr. Duck came in the afternoon ; Mr. Dixon and Mr. Duck dined with me and my wife ; then Mr. Hopkins came ; we got him a beef steak ; I am sure Hopkins was at my house on Thursday, Friday, and Saturday, till Saturday afternoon, two o'clock ; and that he went in the Birmingham coach ; he and Mr. Dixon

on

on the outside, with a basket of fish that I had caught; what made me remember the day more particularly when they came down, was, we were going a fishing in the evening between five and six, and Mr. Duck was rather in liquor, and fell into a muddy place, being pushed by Dixon against a cow; and Hopkins was in company with us; and Duck said I shall remember coming down a fishing of a Thursday.

(Cross-examined by Mr. Knowlys.)

How long have you known Hopkins?—About two or three years, by being on the road, and calling at my house.

What was his business?—I did not know his business, nor how he lived; but he told me he lived in Maiden-lane; I was once in his house; I cannot recollect when; it was some time ago.

Are you on a tolerable intimate footing?—No farther than his calling at my house backward and forward, sometimes with Mr. Hart, and sometimes with Mr. Humphreys, and other gentlemen.

Did you attend at Bow-street when he was taken up?—I was in London at the time, but was not at Bow-street; I happened to meet Hopkins.

Did he tell you he should want you at Bow-street to give this account of him?—He never told me he should want me at Bow-street to give this account of him.

When was you in London, and saw him?—The same day; he never asked me to tell this.

What month was you in London?—I cannot recollect.

Nor what day he was called up at Bow-street?—No; I went to the play, and from thence to Bow-street; after I came from the play, I was with him at the public-house, and then we were talking about it.

Then after the examination was over, then it was that you began to recollect this thing?—I recollected it before, for it was in my mind; he did not tell me he was going to Bow-street; I heard of it from other people.

NUMB. III. PART II.

You said you saw him before you went to Bow-street?—If I said I saw him before I went to Bow-street, I made a mistake; I meant afterwards he did not tell me what he was going to Bow-street for, nor I never asked him.

Then how came it to be material to talk of the cow on the 8th of October?—That was since he was at Bow-street.

Did he tell you upon what occasion he was summoned to Bow-street?—After he had been to Bow-street, he told me he was summoned there about a trunk.

He told you he had been there about a trunk?—Yes.

What did he tell you about the trunk?—Nothing particular, that I can recollect.

Did he explain to you the nature of the charge upon which he was taken up?—He did not.

Then how came it to be material to talk about this cow and the drunken man?—Because in case I should be called on in recollection of this man being pushed about.

He said nothing more than that; that it was about a trunk?—Not to my recollection at present: I was not with him above a quarter of an hour after he came from Bow-street, and I went home.

Did not this strike you as a strange thing? upon your oath, was not that a strange thing, that he had been at Bow-street on a charge of felony?—Yes, it was.

Upon your oath now, did not you know that he had been to Bow-street often?—No, upon my oath.

Then he explained to you nothing more, than that it was about a trunk?—No, Sir, not then.

Did he tell you what had been sworn about the trunk?—No, he did not.

Did he tell you any circumstance of time or place, what had been sworn about the trunk at Bow-street?—Nothing about the trunk, any more than he was taken on suspicion of stealing the trunk; he told me he was taken on suspicion of the trunk, and asked me if I should remember fishing, in case I should be called upon; I did not ask

him

him any circumstance of time or place, nor did he say.

Is it that you recollect now the month and the day of the month, from the bill that you made out?—Yes; I recollect it was the beginning of October, but I cannot recollect the day till I come to look at the bill; it was the 6th or 7th that the bill was made out for Mr. Hopkins's party; I put it in the name of Dixon, because he came first.

This bill has no name of the month upon it?—It has not.

Did Hopkins say, you recollect it was in October that I was at your house?—He asked me whether I could recollect what time it was? he never told me anything about the day of the month, or day, only asked me if I could recollect.

Where was this house where you had the conversation?—The conversation about the trunk was carried on at a public house in Litchfield-street; I called there for Mr. Dixon, for a whip that he promised to give me; I do not know where Dixon lives; he uses the house in Litchfield-street; I do not know what business he is.

Do you know who Mr. Duck is?—No, I do not.

Was there any body in company with you when this conversation passed between you and Hopkins?—Mr. Dixon and Duck, and another gentleman that was bail for him, were there.

—When was this conversation held?—the same night he was bailed out.

What month was it in?—I cannot say.

How long after they had been at your house?—I cannot say justly.

Was it one month, two months, or three months?—More, or less, I cannot say.

This is a disagreeable circumstance, is not it?—Yes.

You was called on to recollect what had passed in the beginning of October at your house?—Yes.

How long was it after they had been at your house?—I cannot say.

How long is it from this time?—I cannot tell; I did not put down the day; it may

be the latter end of October, or the beginning of November; I cannot justly say.

Will you swear that you did not hold this conversation in December?—I cannot say when.

Was it December or January?—I am sure it was not in January.

Was it in November or December?—I cannot say.

Was it early in the month, or late in the month?—I cannot say.

Will you swear it was the day he was taken up?—I do not know what day he was taken up; it was the day he was bailed out.

In what time of the day did you say this conversation was held?—It was a little after ten.

You had not seen him before that time?—No.

Did you go to the play-house?—I went directly to Litchfield-street, for the whip he promised me; I thought to find him out; I only went to the entertainment; I staid till it was over; I came to town about eleven or twelve in the morning, and came up on some particular business of my own.

What was the particular business?—That I am not obliged to tell.

What was it?

Mr. Schoen. I object to that question as irrelevant.

Mr. Knowlys. Upon what private business did you come to town?—I have no reason to tell you.

Court. You must assign some reason for not telling it?—I came on some business to Mr. White's, in White-horse-yard, Windmill-street, at the top of the Hay-market.

What was your business at Mr. White's?—He was looking out to buy me a second hand post-chaise.

Did you see Mr. White on this business? Yes; I employed him some time before to buy the first he could find; I saw him when I rode on my horse in the morning, between eleven and twelve; I went over to the house facing; we had fixpennyworth of brandy and water together.

How do you know it was ten o'clock when

when you came to Litchfield-street?—I said it was past ten o'clock when I came out of the play-house; I knew it by that; I returned to Colebrook that night, and was home about one in the morning; I put up my horse and chaise in Windmill-street; it was Mr. John Wright's.

How came you to leave your house at Colebrook?—Is that a fair question? because it did not answer my purpose; I transferred my licence to one Rees at Glamorgan; he has it now.

So the expression of the man that was pushed in the ditch, was more remarkable than your friend being bailed for a felony?—It came to the recollection of my mind.

When was you applied to to become a witness?—Mr. Hopkins sent me a letter last Thursday or Friday; I was not at home when the letter was brought.

Do you think him a pleasant man? had you a regard for him?—The man always behaved very well.

You had a regard for him?—As a customer.

What were you fishing for?—Roach, dace, and perch, in cast nets.

A pleasant entertainment in October?—Very pleasant; I am very fond of it.

You have a horse of the prisoner's now in your possession?—Yes, in my brother-in-law's fields, in Colnbrook; it was left with me the day he came; it has been there ever since, bridle and saddle; his name is Golling.

Mr. Schopen. Have you any doubt that the month in which you made this bill out, was the month of October?—I am sure it was the month of October, by the man being pushed in the ditch.

As to the day you saw him afterwards, you are sure it is the day he was bailed?—It was on that day; Colnbrook is seventeen miles from Hyde Park Corner.

JOSEPH DUNBAR *sworn.*

I know Mr. Hopkins: I know Miss Roe; I recommended her to lodge with the defendant some time in or about Michaelmas.

Did she lodge there in consequence of your recommendation?—Yes.

Did she live alone, or did any body live with her?—She lived alone in general; but my opinion of her is, that she was a woman of intrigue; I do not know it.

How long did she live there?—Five or six weeks; but I cannot be particular to the week; it might be a week before Michaelmas, or thereabouts.

What part of the house did she occupy?

—The one pair of stairs floor; an elegant floor; she came to me on the 8th of November, in the morning, pretty early; about nine or ten; she came to my house at Hoxton, and told me she had been a bit of a rake, and wanted me to go with her to her lodging; she had a coach in waiting then; I was going to Westminster; I went with her in the coach, to Maiden-lane, to her lodgings, at this Mr. Hopkins's; I went up stairs with her, and she took some few things away in a trifling box, which were carried to the coach, and there put them in.

Mr. Knowlys. You then was the person that took upon yourself to recommend this lady, who you believed to be a woman of intrigue, to Mr. Hopkins, as a lodger?—Yes, Sir.

How long have you known Mr. Hopkins?—Some years.

Of course you expected your recommendation to have weight?—Yes.

When did she enter on those lodgings?—Some time on or about Michaelmas; I saw her there a fortnight after that; I once called upon her; I saw her at the lodging, positively, between Michaelmas and October; it was rather before Michaelmas; it was not after Michaelmas, to the best of my belief.

Will you swear that it was a few days before Michaelmas?—I believe it was thereabouts.

Will you swear it was not later than Michaelmas?—It really was not, to the best of my memory; I could not pledge my word, but I am pretty sure I am right.

How

How often might you be in the house?
—About once.

Who waited on her?—I do not know; I believe it was the servant there; she said there was no rent due but that week; but I do not know so much of her private business, as to know whether she had a servant; there was a lusty kind of a woman servant; she may be here, for ought I know.

When did you call on her?—I cannot say; it was in the interim between Michaelmas and November.

As you have been a friend of Mr. Hopkins's for some time, I should like to know who you are?—I am Joseph Dunbar, at a place called the Noah's Ark, in Hoxton Town, No. 6; I make up goods for Jews, and sell them.

Have you dealt with any jeweller's shops within these last two months or six months?—No, Sir; I deal with Jews; I can make just a subsistence and livelihood.

You live by your labour then?—Yes.

Are you much in the habit of going to Westminster?—Not particularly, but I do go there some times.

Have you any law-suits in hand?—No; I went to meet Benjamin Price, a brass-founder, in Gunpowder-alley; I went to meet him there; he has been at law for these twelve months; but I was not concerned in his trial.

You do not occasionally go there as bail? mind now.—Now you need not caution me.

Well, do you?—I do not go to Westminster-hall, farther than this; I suppose, about six or seven years ago (hear me, and give attention to me) I did bail a person whose name is out of my memory now, but not since that.

Then, since six or seven years, you never became bail for any body at Westminster, or at Serjeant's inn-hall?—At Serjeant's inn my name was put down as bail.

Was not you rejected?—Not to my knowledge.

Was you received?—No, I was not received, because we did not justify, nor it was not attempted.

What cause was that in?—I do not remember; Mr. Shaftoe Vaughan was the attorney for the defendant; but they are things that I am not conversant with.

Then this is the only instance in which you ever offered yourself as bail, either at Serjeant's-inn-hall, or at Westminster-hall?—Yes.

That you swear positively?—I cannot recollect any thing else.

Upon your oath, you are not a common bail?—Let me be sworn again; upon my oath, no more than you are; I declare positively I scorn the meaning.

Have you never offered yourself as bail at Guildhall, before the Lord Mayor, and was rejected?—Rejected! I was opposed; that gentleman well knows the particulars as well as I do; I was opposed by Mr. Garrow; there is the gentleman; and I met him with truth; and facts are stubborn things; and therefore met him fairly at once.

Now, was you rejected or not?—No, Sir; I do not remember; now I particularly recollect, I was not; I became bail, and was accepted for Mr. Turner; it was for a blow in the street.

Then this is the only instance in which you ever was bail before my Lord Mayor?—Yes; to the best of my knowledge; I cannot speak positively; the only instance, may be it may; in my life, I might have bailed a friend besides that, and it might have escaped my memory; such a thing as that might be.

Have not you been bail for a friend before the Lord Mayor in three months last?—Oh! yes; I can swear that.

Do you swear that?—Yes; that I swear positively: Aye, and I do not suppose I have been at Guildhall within these three months; honest truth, that is in my breast, emboldens me to speak.

How many times might you have been at Serjeant's Inn Hall last Term? you know where it is?—In Chancery-lane; is it not?

Do you ask me that question as wishing to know?—I will swear that I am not particular

ticular to the inns; and now, while I speak to you, I recollect it is in Chancery-lane; Sir, I am come with plain facts, to do justice between man and man.

How often was you there this last term?—Not once; now that is very easily answered.

Where is Miss Roe?—I do not think she entertains a wish to be here; I entertain a different opinion of her than I did; she has broke off all acquaintance with me since the 8th of November, and has her private reasons for it; I took my leave of her very suddenly; but it seemed to be very agreeable to her; she seemed to wish to be rid of my company; she had a trifling band-box with her.

Have you never enquired after her since?—No; and I declare on my oath now that I have not an intimacy with Mr. Hopkins.

When had you first heard Mr. Hopkins was to be tried for this offence?—Some few days; some other man came; not Mr. Hopkins.

Who applied to you and gave you the subpoena?—I do not know the person; but I believe it was one Mr. Hart.

Did you then tell him that Miss Roe had lodged there, and that it would be proper to subpoena her?—No, no such thing.

Did he explain to you for what purpose you was to be produced as a witness?—No, only to give a true answer to the questions asked me, and that I could not keep off of it on account of the penalty; further than that he asked me if I could give him any intelligence of this Miss Roe.

Mr. Schoen. Then all you mean by being bail was for a friend?—Merely so; I am a man of a different description; I detest the idea; except to do it to oblige a friend, or if a man was recommended to me; but to be an hired bail, I detest the idea; upon my oath it is not true.

JAMES NICHOLSON *sworn.*

I believe I may have known Mr. Hopkins ten or a dozen years; I have known him as a publick character; a publick

man; a man living in a publick line; a publick-house; as to his character, I never knew any thing wrong of him.

Has he borne an honest character?—To me; I never knew otherwise; I had never any reason to impeach his character or conduct on any occasion whatever, and I have known him a great many years.

Mr. Knowlys. Where do you live?—In Whitcomb-street, Leicester-fields; I believe it is near Hedge-lane, it goes into Hedge-lane; I do not recollect.

What number?—There is no number to the house.

What is the number of the next door?—I do not know.

How long have you lived there?—About three weeks.

Where did you live before?—In Gray's-inn-lane, in Fox-court.

What number?—I believe it is No. 10.

How long have you lived there?—About a fortnight, only lodged in the ground-floor.

Where did you live before that?—In Fulwood's-rents, in a garret; I lived there about a year, with one Lindsey, a hair-dresser, No. 10.

Have you known the prisoner intimately?—Not very intimately, a waiter to a coffee-house.

You have called upon him once a week?—Once a year Sir; I have no more intimacy with him than I have with you; I have seen him twenty times in different places.

Have you seen him twenty times in the course of every year that you have known him?—No; very likely I may not have seen him sometimes, above three or four times in a year.

If any misfortune had happened to your friend, in the course of ten years, I should think you must have known it?—I know nothing about a friend. My Lord, I wish to put an end to this tedious argument and intercourse between this gentleman and me; I know no more of the man than seeing him, dining at a public coffee-house, tavern, and public-house; there was no friend-

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friend-

friendship, no intimacy of any sort or description.

Is that the kind of man of whom you came on your oath to say that he is a man of a good character?—Pardon me, why because I have known a man ten years, and he in a friendly way calls upon me to give him a character; why should I not, as an honest man, come forward to any man here, and if I did not know so much of him as I did, why should I not come forward to give him a character.

Do you know of his having been tried in the course of these ten years?—Sir.

Did not I speak loud enough?—I do not.

Will you swear he was not?—I will not swear about it, but I will swear it was not with my privacy.

Do you not know that he was upon the ballast lighters?—My Lord, I presume it is derogatory to the business, even suppose I knew that; what is that to giving a man a character? I do not know, upon my oath, of his being confined at all on board the hulks.

Do you know of his being confined on an accusation of felony within this ten years?—I do not, barring this.

Who may you be?—Who may I be! I live on what I have, I do not follow any business.

Did you ever follow any business?—Yes, a silver ivory turner, and tortoise-shell snuff-box maker.

If any body has said that you kept a gaming-table, they must have told a great story?—What has my keeping a gaming-table to do with it?—I do keep a gaming-table.

You do; good bye to you?—Do you mean to say, you have done with me.

Yes!—I do keep a gaming-table, I do not deny it.

JOSEPH JACKSON *sworn*.

I have known the prisoner about two years, I always understood his general character to be a very good one, I have done business for him in the carpentering line, and he always paid me; the prisoner is an

engraver; I never knew any thing to the contrary of his being an honest man.

Mr. Knowlys. You have known him intimately these last two years, I take it?—I have done business for him as a carpenter, I have been employed for him about three times; his father lived within two years in Maiden-lane, and took in orders as an engraver of seals: I understood from the father that he was an engraver; I cannot say I ever saw any of his work: Hopkins has never told me he was an engraver, otherwise than from his father; I never saw him at work, I saw no signs of seals cut, or any article in the engraving trade carried on; I have seen seals in the shop window, along with other hard-ware.

When did you see seals in the shop window, along with other hard-ware?—About six months ago.

Upon your oath was not it a lottery office at that time?—No, Sir, it was not, I swear that; at that time I took the old front out, and put a new one in.

You understood he got his living by his business?—I have seen him sell things out of his shop, he appeared to me to be the tenant; I was in the dining parlour once, I saw Mr. Hopkins.

WILLIAM BADGER *sworn*.

I have known the prisoner above two years, he was in the public line of business, I always heard a very respectable character of him, in regard of paying every tradesman that he was connected with.

Did he bear the character of an honest man?—Yes, to the best of my remembrance.

Mr. Knowlys. Have you known him up to this time?—Yes, he kept a house in the court, opposite St. Martin's church; I cannot say how long he acted in the public line, I often used his house, and have transacted some business since, and recommended a friend of mine to Mr. Hopkins in the carving and gilding line, and I fancy the frames are now in court.

What business is Mr. Hopkins?—I cannot say; he has had frames done for his own

own use in the course of the last three or four months, the same as them; I mean in the course of the last six or seven weeks, I cannot tell his business, but I always heard by most people, that he was in the tradesman line, that he was a very honest man; I never transacted any business with him.

Did you know his lodger, Miss Roe, in Maiden-lane?—No, I do not; I have called there, I believe, in his dining-room up one pair of stairs, in the course of this last three or four weeks.

What family has he?—I do not know, I have been up stairs once or twice in November.

So far back as October?—Why yes, I do not know but I have.

What business are you?—A carver and gilder. Mr. Hopkins said there was a picture, in particular, that he lost, which I could be on affidavit of.

Have you seen any pictures in his custody?—Yes, several, which hang up now in his parlour, within the course of the last three weeks. There is a particular picture which I swore to in court, I am very sensible is a common publication.

JOHN MATTHEWS *sworn*.

I believe these three prints were bought at my shop.

Mr. Knowlys. I believe you to be a very honest man: has that print ever been in publication?—I do not think it has; I never saw it before; that is the Bacchus and Nymphs.

You are a large dealer in prints; this was found in Hopkins's house framed?—I do not recollect ever seeing the print; and I am sure and certain I never had one in my possession.

Are you an engraver yourself?—No, I am not.

Do you know the difference between a plate that is retouched and a plate that is not retouched?—Most certainly; this of Bacchus and Nymphs, appears to me not to have been retouched.

Are either of those saleable in a shop?—I should suppose Mr. Poggi would not sell

this print, because he is liable to have it copied, not having any publication at the bottom of it.

Court. Is that in a saleable state?—Certainly not; it should be finished in the colours before sold; some people might purchase such a thing.

But would you sell it as a complete print yourself?—I should not.

Would you sell it in the common course of business as a finished print?—It is a print that seems to be in a condition for working on with colour.

Do prints that are in the common course of sale, get into the world so?—It should be retouched for sale.

Here are two pictures, Hope nursing Love, one is retouched, and the other not retouched; is that which is not retouched in such a state as a man keeping a creditable shop would sell?—No.

Prisoner to Prosecutor. Whether it is not a well known practice in the copper-plate way, to wish to obtain a print for themselves, they will take one if they can?—

Do you mean a printer or engraver? if I give him leave, if he behaves well, if he is an honest man, I may give it him, or he may obtain it dishonestly, if he has the plate at his own house.

Court. Those prints that you have spoken of, that were unfinished, were they out of your house or not?—No, they were at my own house; my printer is here, and a very honest lad he is.

THOMAS GIFFORD *sworn*.

I am a printer; I work at Mr. Poggi's house, in copper-plate printing.

Look at that Bacchus and Nymphs, is it taken from a plate of Mr. Poggi's?—It is.

Has that plate ever been published?—No, Sir.

Have you ever taken an impression from that plate yourself, and given it to any other person whatever; or have you of any other in your possession, without Mr. Poggi's leave?—I have not.

Have

Have you given one to any person whatever?—I have not.

Is that in the finished state in which the plate now is?—It is.

Court. Have you in any instance given any impressions that you have printed without the leave of Mr. Poggi?—I have not.

Have you given any with his leave?—I never gave any at all.

Mr. Schoen. Of course you know you would treat Mr. Poggi very ill if you did?—Yes.

The Recorder summed up the evidence with great minuteness, and the Jury retired

for some time, and returned with a verdict,

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. RECORDER.

N. B. The little trunk which contained a small part of the property, was restored to the prosecutor, together with the four drawings, by order of the Court.

M I S D E M E A N O R S.

140. **S**ARAH FIELD and ELIZABETH SHARP were indicted, for that they, on the 10th of February last, one piece of false and counterfeit coin, as and for a good shilling, did utter, to one William Denning, knowing the same to be counterfeit, against the statute.

A second count, for uttering another counterfeit shilling, to Catherine the wife of Thomas Nott.

(The case opened by Mr. Knowlys.)

(The witnesses examined separately.)

WILLIAM DENNING sworn.

I am a linen-draper, No. 16, Cheap-side; I know the prisoners, they came to my shop on the 10th of February, about four in the afternoon; they came in together, the prisoner Field asked for an article of Irish cloth; she purchased two yards, at thirteen-pence a yard; she paid me for it; that money was mixed with other money, and I cannot identify it: one of them, I believe Field, enquired for dimity; she bought four, or four yards and an half, which came to nine shillings; she paid for it, I received the money, all from Field, I was very attentive to that money, that never was mixed with other money; it was in a dark part of the shop, where she paid me. They went out together, they looked at the articles together, and each gave their opinion on them. I suspected the money, the silver appeared quite bright, I thought she had something in her pocket to disfigure it. Field exchanged a shilling or two, which I thought to be bad; I thought after they were gone, that the shillings were very light, and that they were not good. I took them to a lighter part of the shop, and my suspicions were confirmed; I gave the nine shillings to John Pitfield, desiring him not

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to mix them, but to take nine shillings out of the till, and weigh them, and see if they were equally heavy. About three, or five minutes after, I followed the prisoners down Cheap-side, and saw them between King-street and Lawrence-lane; they were going towards the Change. In about five minutes after I left my shop, I noticed them, and I thought they noticed me, and I crossed the way, I watched them into Devaynes and Hingeston's, the corner of King-street; immediately as I saw them in the shop, I went home, and desired Pitfield to come with me, and desired him to go and make enquiry what they had purchased; and I saw them come out and cross the way. I missed Pitfield, but I found him afterwards, and desired him to follow them, and I went home. I gave information in Bow-street, they were found in a court in Wych-street, they were at tea, there was nobody else in the room. I saw Jealous put his hand towards Mrs. Field's mouth, and take a shilling, but I cannot say where it was from; their pockets were both emptied; I saw a shilling on the tea-table, but I cannot tell how it came there: Pitfield has the money that I gave him.

Court. All the money you received from Field?—Yes.

Who paid for the dimity?—I believe Field paid two shillings for the Irish, and Sharpe paid twopence.

Did any conversation pass between them?—Field asked her for it.

Sharpe had no concern in the dimity?—No.

Mr. Knapp, Prisoner's Counsel. Did you know those persons before they came to your shop that day?—No.

You objected to some of the money, Mrs. Field changed them?—She did.

The shillings you thought were discoloured in the pocket?—Yes.

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The other person (not Field) did not pay any thing except the twopence?—Certainly not.

Mr. Knowlys. Are you sure Sharpe was in company with Field?—Yes.

JOHN PITFIELD *sworn.*

On Thursday the 10th of February I received nine shillings from my master, which he desired me to weigh; I did weigh them, and found them not so heavy as eight shillings.

Did you keep them separate?—I put them with two that my master took out of the till, that he suspected he had taken from them. I cannot distinguish which those two were, but the eleven have never been mixed. (*Produces them.*) Mr. Denning pointed out the two women to me in Gutter-lane, and I followed them down two or three back streets, into Newgate-street; they were together all the time, they went into the Crown in Newgate-street, I did not see them offer any money there. I traced them from the Crown in Paternoster-Row; I observed Field go into a druggist's in Paternoster-Row; she came out, and they went into White Lion-court, Wych-street, to a private house, I believe it was: after that I came back to my master, and he went to Bow-street: I was in the room when the officers took them, that was about six o'clock; I saw Jealous turn some money out of Mrs. Field's pocket into a hat.

Mr. Knapp. Did you weigh the nine shillings together?—Yes.

Did Mr. Denning give you the two shillings at the same time?—No, a few minutes afterwards.

You would not have known them except Mr. Denning had pointed them out?—No.

There was a great distance of time had elapsed, between the time you were at the Crown and the time you got home?—Yes, an hour, or an hour and a quarter.

CATHERINE KNOTT *sworn.*

I am the wife of Thomas Knott, I keep the Crown in Newgate-street; I recollect

the prisoner Field, I am not positive to the other prisoner, Sharpe.

When Field came to your house was she alone?—No, with another woman; Field asked for some tent and brandy; my husband told her we had none; she had some shrub, and the other woman had some gin.

Who paid for it?—Field, she paid one shilling, the liquor came to three-pence; I immediately dropped the shilling into the till; in consequence of being told they uttered bad money, I immediately opened the till; when I opened the till, the shilling lay by itself; the till opens, money is not dropped in; I am confident that it had not touched any other silver.

Had you made any observation before you opened the till on the shilling?—I rubbed the shilling and put it in the till, I rubbed it, and it looked very fair, I took the shilling out, and thought no more of it, and threw it in the till among other silver.

Mr. Knowlys. I will give up the second count, my Lord, certainly.

CHARLES JEALOUS *sworn.*

I went in consequence of information to White-lion-court; there was a man there of the name of Field, and the two prisoners; Mrs. Field saw me, and she put a shilling into her mouth; I took it from her; I searched her, and she had twenty-two shillings and sixpences, all good, and they were returned to her; one of the gentlemen gave me a shilling that lay on the table; I searched the house, and I could find no bad money.

CHARLES DAVIS *sworn.*

I went with Jealous to Mrs. Field's house; I searched Mrs. Sharpe, and off her petticoats she dropped two shillings, and a person picked them up, and gave them to me; (*produces them.*) Jealous searched Mrs. Field.

JOHN CLARKE *sworn.*

(*The eleven shillings shewn him.*)

These

These are all bad, they are not all of the same make.

Prisoner Field to Pitfield. Did not you produce twelve shillings at Bow-street?—Yes, but only eleven were shewn to Mr. Clarke.

Court. How came you by the twelfth shilling?—I apprehend at the weighing them.

Jury. Was that shilling a bad one?—I believe it was good.

Will you swear there were no other mixed with the nine?—I kept them separate.

Jury. Are you sure you did not take the wrong nine shillings out of the scale?—I did not.

(The shilling produced, that was taken from Field's mouth.)

Clarke. It appears to be a bad one.

(The two shillings produced, which fell from Sharpe's apron.)

Clarke. They are very bad; the other is doubtful.

Mr. Garrow addressed the Jury on the part of the defendants.

The Jury withdrew for some time, and returned with a verdict,

SARAH FIELD, }
ELIZABETH SHARP, } GUILTY.

Each to be imprisoned six months, and find security for six months.

*Tried by the London Jury before
Mr. RECORDER.*

141. JAMES CAIN was indicted for that he, on the 24th of September, in the 28th year of his present majesty's reign, in the parish of Burdwalh, in the county of Suffex, on one Henry Pudsey, an officer of the Excise, being on shore in the due execution of his office and duty, in seizing and

securing, to and for the use of our Sovereign Lord the King, twenty gallons of brandy and twenty gallons of geneva, then and there liable to be seized by the said Henry Pudsey, as such officer, and in the peace of God then being, unlawfully and violently did make an assault, and him, the said Henry Pudsey, so being then on shore and in the due execution of his said office and duty, unlawfully and forcibly did hinder, oppose, and obstruct, against the form of the statute and against the peace.

Two other counts charging the same sort of offence, only varying the manner of charging it.

The indictment opened by Mr. Wycomb, and the case by Mr. Attorney General.

(The witnesses examined separate.)

JAMES VENUS sworn.

Examined by Mr. Fielding.

You was in the Excise service in 1788?—Yes.

Where was your situation in September, 1788?—At Vineall, within three miles of Battle, in Suffex.

Do you know the prisoner at the bar, Cain?—Yes.

Did you see him on the 24th of September?—Yes.

Now go coolly, and speak distinctly, and tell my lord and the jury what you saw, and what you did in consequence?—On the 24th of September, in the morning, I saw the prisoner, in company with one Hunt and another, pass through Vineall loaded with tubs; that was about seven; there were three horses that they rode and two others, which made five; seeing them go through I went to Battle, and told Mr. Pudsey; he joined our company, and we went across the country, to the place where we thought they might pass, called Burdwalh Weald, a publick-house, the sign of the Wheel; we ran up to the house, and we called for a pot of beer, and Pudsey, I believe, asked the landlord if he saw any smugglers.

smugglers go past? and he said, he had not; and we saw two men standing by the turnpike-house; we had some little suspicion they were of the prisoner's profession.

Did you in fact see the prisoner and Hunt again?—Yes: we immediately drank our beer, and rode towards Burdwasb, to this publick-house, and saw the prisoner, and Hunt, and another sitting on their horses, on the turnpike road, standing still; better than a mile and a half from Burdwasb town; on seeing us they immediately rode away towards Burdwasb town; and they left the two horses, with the five tubs each, in the road, and let down, or threw down, by some means, four more, from the horses that they rode; Mr. Pudsey and another Hop officer, whose name was John Doody, went from Battle with us; we took possession of those horses they had left; I staid by the horses in the road; Pudsey went after them, and returned in five minutes, with one more horse and one cask; then we took the horses and the cask to a publick-house; there were fifteen casks in the whole, and three horses; we took them to the publick-house, in order to reload them, for better carriage to Battle; while we were there a few minutes the prisoner and Hunt came back on horseback: Hunt swore prodigiously at our taking them away; I cannot say that the prisoner was so violent at that time.

Did the prisoner say any thing?—I believe the prisoner had a whip with a long head, as they call it there, tied to the small end of it; a thong tied to the small end of it like a coach whip; they sat at such a distance I could not hear what they said; I heard him ask Pudsey to give him something to drink; and he told him, if he came back and behaved quietly and civilly, he would; and they came back; and he called for a pot of beer for them, and half a pint of gin; and the prisoner drank, but Hunt refused; the prisoner drank some of the beer and some of the spirits; he behaved very civil indeed at that time; and Hunt said, we should not take them away;

the prisoner did not behave so riotous at that time.

What did you do with the casks?—They were then in a stable, both horses and casks, in order to take them to Battle; then the officer and me went in order to prove the liquor that we had taken; and the prisoner asked the officer leave to let him suck out of one of the casks, which he did; after he had so done the prisoner and Hunt went out, and got upon their horses, and began to be very riotous with large clubs.

Court. Were there any tubs on those horses?—No; they were the horses that they rode on; and they both of them agreed not to suffer us to take the things away; I heard them agree to stand true to each other, and not to suffer us to take the horses out.

Court. Did they agree out loud, so that you heard them?—Yes.

Did they say it to you, or to each other loudly?—To each other loudly.

Mr. Fielding. How long did they continue in this sort of conference with themselves, talking loudly, before they came to this agreement?—Not long; then they both rode up to the door, and swore we should not have the goods, nor take them nor the horses away; but that they would take them themselves: we were then in the stable and Pudsey also; they rode up to the front door of the stable, which was open at the time they came up: they sat and swore I suppose for nearly an hour, and struck several times with their clubs against the door; and then Mr. Pudsey, the officer, produced his pistol, and told them, if they did not desist he must fire: there were a number of people round the stable door: when Pudsey produced the pistol the prisoner at the bar then dared him to fire, and opened his breast; and they both told him, he might fire and be d—nd.

Court. Whereabouts was Pudsey standing at this time?—Just within the stable door.

And they were sitting on the outside?—

Yes;

Yes; they were sitting on their horses, with their horses heads close to the stable door.

Mr. Fielding. Did the prisoner at the bar offer any thing to the people that were about?—I heard him offer five guineas to any man that would assist him in rescuing the things; and upon that offer Mr. Pudsey and I concluded it would be best to get some more assistance, for there were a great many people round the door; but I did not see them do any thing, nor hear them say any thing; I went out of the back door of the stable, and went to get another officer, but could find none; I had not been in town a quarter of an hour; but the landlord of Burdwash Weald came with a peace officer, and I went back to Mr. Pudsey again; then Hunt, the other, was shot through the wrist, and they were very quiet.

Where was Cain when you returned to Pudsey at the stable?—He was sitting before the public-house door on his horse; they neither of them behaved riotously then.

You knew Cain by person at this time?—I had often seen him before.

Mr. Knowlys, Prisoner's Counsel. What time in the morning was it that Cain and Hunt returned to the public-house door after you had received the spirits?—It might be between nine and ten.

Not much later?—No.

How long was it before all the business was over?—I cannot tell exactly; nearly two hours.

You say they were very quiet, and asked first of all, that you would give them something to drink?—The prisoner was not so bad as the other.

I am repeating your own words; he asked the officer to give him something to drink?—Yes.

The other would not take any thing to drink from the officer?—No.

How much beer had you at the public-house?—Only one pot of beer and half a pint of gin between us; I drank some of it myself, and several others.

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How he sucked the good creature when he came to the cask you cannot tell, I suppose?—I do not know.

He did not leave that very easily?—I do not suppose he drank half a quartern; he did not lay at it as long as he pleased.

Had he it at his own command?—No; he had not; when the officer thought he had enough he told him to leave off.

However it was not till after he was indulged in his request to drink, that he was disposed to be riotous?—No.

Mr. Fielding. The people you say were there in large numbers?—Yes.

Do you know what was in these casks?—I did not drink out of but one; I believe there was some brandy and geneva.

What was that you drank out of?—I think it was geneva.

That cask you think was gin?—I think it was; I only tasted one.

Court. Do you know what was in the cask the prisoner tasted?—Why, it was the same cask I drank out of.

Mr. Knowlys. You are not sure of that?—I cannot remember particularly.

HENRY PUDSEY *sworn.*

I am an officer of Excise.

Where was you stationed on the 24th of September, in the year 1788?—At Battle, in Suffex.

Do you know the prisoner at the bar, James Cain?—Yes.

You saw him on that day?—Yes.

What time?—I cannot say exactly; I think about nine, or between nine and ten.

Whereabouts?—I saw him on the road, a little way, near Burdwash Weald; there was another person and a lad with him.

Who were you in company with at the time?—With two hop officers, James Venus, and one Doody, another hop officer.

When you first saw the prisoner who was he in company with?—There was one Hunt with the prisoner, and a young-lad that I do not know; they had five horses loaded with prohibited goods, and standing a little way from the Weald; and on seeing us going to meet them, they stopped their

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horses;

horses; and on our watching, the prisoner and the man and the boy rode away along the road; and with our pursuing, we came up with two led horses, which I imagine they could not get on; and we left Venus in care of those two, and went in pursuit of the other; the led horses had five tubs each; and we pursued, and came up with another horse with one tub upon it; a young lad jumped off the horse; I saw him jump off; we took the things to Burwash Weald public house; and seeing some tubs thrown off the horses, which we took to the public house, and put the horses and the tubs into the stables.

When they were there, did you try what the casks contained?—I did tap one cask, and it contained geneva; the whole were tubs of Geneva and brandy.

Court. Did you tap more than one?—The tubs were tasted afterwards, and they were all brandy and geneva; I saw the prisoner about ten minutes after.

Relate what passed when you saw him again?—Him and his accomplice, Hunt, returned back again on horseback, without any goods; they stood a little distance from the house; not far; the horses were in the stable; and I was standing a little from the stable; when I came up, I think I recollect the prisoner asked me for something to drink, or something to that effect; I think I said, if you behave civil, and go about your business, I will; we had a pint of beer, or something of that sort; I cannot say whether he drank or not; he did not drink much; we then went into the stable to take the horses and goods out, and go to Battle with them; then the prisoner said he would have a suck, or give me a suck, or something to that effect; he came in and had a suck, which was very small; the gimblet was very small with which the hole was made; we had got one horse out of the stable; and I stood a little from the public house, and was not apprehensive of any rescue or danger; and the officer, Doody, who is not here, said Pudsey, take care, upon which I turned round, and the prisoner had a large whip in his hand, which had a club more

like a walking-stick than a whip; it had the head wrapped round his hand, in order to have a blow, in appearance, at my head; by turning round, I escaped it; they then said we should not go off with the goods; that was the prisoner and Hunt.

Did you hear the prisoner say any thing?—I did.

What did he say?—He said we should not go off with them; and his accomplice said, swearing at the prisoner, if he had half the heart he had, they never should have rode away at first; the club appeared to be levelled at me; they appeared desperate.

Was this the first conversation that passed between the prisoner and Hunt?—They seemed to be displeased at losing them, as all smugglers are.

Had they any conversation before this time respecting these goods?—I cannot possibly say what conversation they had.

Before you gave them any thing to drink, had there been any conversation between the prisoner and Hunt about seizing the goods?—I cannot recollect whether there was.

Court. Did you see the prisoner attempt to strike you?—I saw his club levelled; it appeared levelled at me, as if he was going to strike a blow; but he did not strike; the horse with the goods stood before the door; and they seemed to be so desperate; I heard them say to each other; one swore to the other, of standing true to each other; and they shook hands, and swore they would stand true to each other in taking these goods from us.

Did you hear any of these declarations made by the prisoner?—I heard them both by the prisoner and Hunt; and they shook hands to stand true to each other; then they went into the stables again; Venus went into the stable with us; they rode up both on horseback, the prisoner and the other; and I stood there with one pistol in my hand, desiring them to keep off, but to no effect; they had large clubs which they struck against the top of the door; whether it was meant to me, I cannot say; they did not strike me: there were more people, I be-

I believe, before the house; the longer we staid, the more people appeared there; I then shut to the stable door, thinking they would separate and go away; but they kept repeatedly at the door; they would have one grey horse turned out; they insisted on one grey horse being turned out, both the prisoner and his accomplice.

Was that grey horse one of the horses you had seized?—It was one we had seized, and had had him in the stable; I refused, and told them I would not, nor could not; I begged them to go about their business; they did not go; on shutting the door, we locked the door, and set something against it, it was usual, to keep it fast, when they put in clubs which they had, in order to force it open; their sticks being in the top of the door, trying to open it, I threatened them, and said I did not wish to fire; I was very loth to fire; but I was determined, as I had made the seizure, I would not have it taken from me; the prisoner opened his breast, and bid me fire into his mouth several times; and Hunt opened his mouth, and bid me fire into his mouth several times, which I did not: we pulled their sticks through the door; upon that the prisoner went to a faggot stack, some little distance off, and rapped again with bludgeons, seemingly, larger than the others, and put it at the top of the door, to wrench it open; I then finding myself in a very disagreeable situation, and not willing to use any sort of violence, desired Mr. Venus to go to Burdwall to get more assistance, thinking by that means that they might be dispersed without doing any damage; Mr. Venus went to Burdwall; he went out at the back door of the stable; I sent for a constable, and kept at the door; a person came into the stable, whom I believe to be a smuggler; his name is Skinner; I know him; and when I threatened to fire, as I did repeatedly, he said to me once, or twice, do not fire! do not fire! and he said he would go and talk with them; I said to him, you I imagine are a smuggler; you know the consequence of these things; it is a desperate case; you may prevail with

them, perhaps; accordingly he went out, came in again, and told me he had talked to them, and to no purpose; some time after, Hunt says there is a back door, and he swore he would be in at that door; I heard them words said; Hunt came round to the other door; I went to the door to meet him, and desired him to keep off, and begged him to keep off; he still persisted to come nearer and nearer, and would not by any persuasion that I could give him, keep off; I told him I was necessitated to fire; the prisoner was at the other door at the time; I kept drawing back and back as he approached forward, till by some means or other; I cannot say voluntarily; it is a thing that I do not like; but by some means my pistol went off; there was one stick, if not more, in at the door at the time; the prisoner was standing at the other door all the time, as I believe; I heard the prisoner, I think, by the voice, say, *woo* the devil could have thought Pudsey could have fired.

Mr. Knowlys. You do not know it was the prisoner?—No, I do not; I then opened the door; the company was before the house; and the prisoner said, if he had a pistol, he would shoot me through the body, or words to that effect; the constable came soon after; I cannot say the words I heard say, any farther than swearing and being very desperate.

Did you hear any thing of any money?—I cannot say positively that I did hear him say so.

Was Doody with you all this time?—Yes.

Is he here?—No.

Mr. Knowlys addressed the Jury on the part of the defendant.

GUILTY of opposing and obstructing the officer.

Imprisoned six months.

To find security for six months.

Tried by the second Middlesex Jury before

Mr. Justice GROSE.

142. CHARLES

142. CHARLES TUCKER was indicted, for that he, at the parish of St. George the Martyr, in the county of Surry, on William Griffiths, an officer of excise, in taking to and for our Lord the King, twenty-four pounds weight of candles, duly seized by him, and liable to be seized by him, unlawfully and violently did make an assault upon him, and him being so on shore, unlawfully and forcibly did hinder, oppose, and obstruct, against the statute.

A second count, for making an assault, and for forcibly hindering, opposing, and obstructing the said William Griffiths, stating him an officer, and generally in the due execution of his duty.

A third count, not charging the assault.

(The indictment opened by Mr. Wycomb, and the case by Mr. Attorney General.)

THOMAS WHITEHEAD sworn.

Mr. Fielding. You are an officer of excise?—Yes.

In consequence of an information you received, you went into the King's Bench prison?—Yes; on the 31st of December last, three went in first, and three more came in afterwards, in five or ten minutes; there was Mr. Stainsforth, and myself, and George Barrow, they were all officers of excise; Griffiths came after me, and the marshal was with us; I went into the prisoner's apartment, No. 6, in 15, up one pair of stairs, and there was some candles on a rod; the prisoner was there, and his wife, and his two children, all in a room eating their dinner; there were about one hundred and fifty or one hundred and sixty rods of candles, about one hundred and forty or one hundred and fifty pounds weight; Barrow, and me, and two of the marshalmen went into his room, and then they left me in possession of these candles; there was what they call a dipping mould to make candles, and a tin kettle to melt the tallow in, and there were about forty or fifty pounds weight of candles in boxes; there was some cotton spread, for first dipping as we say; some few spread for first wetting, and there were cottons that were dressed,

ready for spreading; and there was cottons in balls, that is, before they are dressed, and there was a stage all round the room, to put the candles on when he made them; I took possession of the candles and the cottons and every thing, and shewed him the warrant; he said but very little; but he went out of his room, and in less than five minutes returned with a number of prisoners with him, I suppose five or six rushed in like a torrent with him, and they took away the candles that were on stages, and he himself took a part of them also; he said he would have the candles, or perish, or die, or some expression to that purpose; I told them at their peril so to do, that they must stand to the consequence, I had seized them for the King; they did take them away all on the rods, with the dressed cotton; and he returned with others to take away the boxes; by that time one of the marshalmen came to his room to my assistance, and stood at the door way and prevented him; then he goes down stairs; there was a large number of people; the prisoner went below, and some of the other officers came up to my assistance; then the remainder of the candles that were in the boxes were taken away by the other officers; the name of the officer that was with me was William Griffiths, and William Smith, and one or two more which I am not sure of, and some of the marshalmen; Griffiths had a part of the candles that were in the boxes, Smith had another part; I had the dipping mould, I went first with the dipping mould, Griffiths followed me out of the room, I ran into the front yard with the dipping mould, as fast as I could; I got out of the prison, and William Smith, I believe, followed me with a small box of candles; before I got out of the prison I heard a noise and tumult behind me; I turned into the prison, and left the dipping-mould without; I saw a great mob in the prison.

Court. What is your reason for knowing it to be his room?—Because it is marked, I think, over his door, No. 6; he was there, and had his bed there.

Prisoner.

Prisoner. I have no bed, I was obliged to sell my bed through distress, to maintain my family'—He said he must do something to maintain his wife and children.

————— WYCOMB *sworn.*

I am an officer of excise; I know the prisoner, I saw him in a room in the King's Bench, I observed no particular mark on the room; there was Mr. Whitehead, Tucker's wife, and I suppose his two children; the prisoner was not there, I saw two boxes in the room with candles, I opened them, and saw candles in them; there was a dipping mould, and tin kettle, which I suppose the tallow was melted in, was greasy inside; there was some cotton upon two or three rods to hang candles on; I saw the prisoner again, he came to the room after I was there, he wanted to force himself into the room, but was prevented by one of the keepers; there were several people with him; the cotton and things were put into the boxes, and we all took some; Whitehead came first, I had a box of candles, I carried it down to the bottom of the stairs before me in my arms; at the bottom of the stairs I saw Tucker, along with a great many other people, and he took hold of the box, and endeavoured to take it away from me; I had a tussle with him for a few minutes, in hopes some person would come to my assistance; but none coming, Tucker and the other people that were with him, took away the box from me; he first took hold of the box, and then afterwards finding I would not let go the box, he struck me on the side of the head; I was afterwards knocked down, and the candles flew all about the place.

The blow you received came from Tucker?—Certainly, I was knocked down, and was on the ground two or three minutes, and beat while I was on the ground, but by whom it is impossible for me to say; I had a thick great coat on, which kept the blows off in some measure, but I received the first blow from Tucker; when I got up again Tucker was there; I lost my hat, I picked up my hat, and Tucker was

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standing in a posture rather of defence, as if he was going to fight, and after I got off, (there was one of the officers advised me to get off as fast as I could) and there was a mob near me, hurrying and huzzaying, and making a great noise.

Prisoner. Ask Mr. Griffiths if he did not strike me repeatedly before I touched him? —Not to my knowledge, I do not think I did.

Prisoner. I could bring a hundred people, if I had had habeas's, that would have sworn he struck me repeatedly.

Court. Did you set down the box during any part of the time, so as you could strike him?—No.

Prisoner. He threw it down.

Did he strike you before you left your hold of the box?—He did; I am very sure of it; and I had not struck him at that time.

GEORGE BARROW *sworn.*

I was in the King's Bench prison on the 29th of December, and saw the manufactory of candles carried on, in a room No. 6, in No. 15; which was called Tucker's room; and in a room No. 7, in No. 2, which was occupied by one Fence; on the 30th I petitioned the Commissioners for their warrant, and Mr. Mahew desired me to go again; I went on the 31st to the room, which was described to me by the marshal; Mr. Whitehead went with me; Tucker was standing with his back to the door, eating his dinner; his wife and children were in the room likewise; I saw a vast quantity of candles finished on the stage; there was above a hundred weight and a half of finished candles on the rods, and I observed besides a tin mould for dipping in to make candles, and a kettle to melt tallow, with tallow in it; there was about thirty pounds weight of unmanufactured tallow, that we brought away; I made a memorandum at the time, (*looks at it*) thirty-two pounds of tallow, and twenty-nine pounds of candles; I left Whitehead in possession, and went and secured another place; when I returned there was a great mob of people below in the yard, and I met one of the officers with the kettle,

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kettle, and he gave it to me, and I carried it to the outside of the prison; when I returned, Tucker was working among some sticks and rubbish, looking for a bludgeon; for when I came down stairs again, he had a bludgeon in his hand, and was standing, swearing he would kill the first man, or words to that purpose, that brought any more of his property down stairs; there was no officer there then but myself; I was coming down stairs, and he seemed to be very resolute, his waistcoat was all loose, and his shirt neck open, and no hat on; I told him not to be in such a passion, for I must make the best defence I could; as there were an hundred people about the door, all armed; I put my hand in my pocket, and took out a pistol, and said I would fire at them, and could not tell which of them it would hit; a great many of them dispersed; Tucker remained, and took up a brickbat in one hand, having a bludgeon in the other: I did not pretend to go out of the place, being able to defend myself; one of the marshalsmen came, and desired me to leave what things I had there, and make the best of my way out, for all the other officers were on the outside of the prison; I saw Griffiths all dirt, I did not see who struck him; one of the marshalsmen protected me out; they were both very considerable manufacturers; there was room to hold five hundred, and stages erected for hanging the rods.

WILLIAM SMITH *sworn.*

I am an officer of excise; I was coming down stairs immediately after Griffiths, with a box of candles from Tucker's room, and I saw Griffiths attacked at the bottom of the stairs, by Tucker and a great crowd of people; I stood still on the stairs with my box of candles, and Tucker endeavoured to take the box away from Griffiths, who had a box of candles in his hands, in this manner (*one at each end*); I saw them strive which should have the box; and Griffiths not letting go the box, I saw Tucker strike him on the right side of his face;

I never saw Griffiths strike Tucker at all; it was directly before me.

PRISONER's DEFENCE.

I merely did it for want; I have been a debtor for a small debt upwards of a twelve-month, I having a wife and four small children, I sold and pawned my bed, and every thing; my wife was ailing, and my children in the small pox; my Lord I could not make half a hundred, what I did was merely through want, that my children should not perish through the sharp thorn of hunger; they cried for bread, and I had none to give them, and I was persuaded to do this to get a bit of bread; Mr. Whitehead and the Gentlemen knew my distress, and they gave my wife money.

GUILTY.

Imprisoned two years in Newgate.

Tried by the second Middlesex Jury before Mr. Baron THOMPSON.

143. JOHN RYAL was indicted for a misdemeanor, to which he had pleaded *Not Guilty*, and desired to retract that plea and to plead *Guilty*.

He was ordered to be sent to Newgate till an affidavit could be made that the plates were all brought up and ready to be destroyed by the defendant, and also with respect to his circumstances.

On Tuesday an affidavit was delivered in on the part of John Ryal, stating that he had ready to bring into court the whole of prints and books of the description of which he had been prosecuted, and found guilty of exposing to sale. And at the same time the Attorney General prayed the immediate judgment of the court on the defendant, informing them, that he had, by the desire of a very respectable description of persons in this kingdom, thought fit to bring several offenders before the court of that description; and as to the present defendant,

defendant, he was not an indigent offender, but on the contrary, in a substantial way of business: therefore an excuse of doing a crime of the magnitude this was, did not appear in the least to have any foundation with respect to him; and it must appear as a further aggravation of his offence, that he was a citizen of London, keeping an open shop in the heart of that city; and yet as such thought it no crime to poison the infant younger minds of the whole of that community, and that this was not by the open and bold attack of vice, which might perhaps put persons on their guard, and be resisted; but it was doing this—Inflaming passions in the young and tender mind, to an immoderate extent, when reason is not a match for them—inflaming those passions which the Almighty has planted in the human breast, for wise purposes; because he did not chuse that it should rest on the cold reason of man, whether he should have an everlasting succession of human beings, candidates for everlasting happiness; that was too great an object to be left to us; but was made to arise from stronger motives of our affections and passions. My lord (said he) to poison then the spring of human society, by thus contaminating the fountain, is a crime of so enormous a nature, that hardly any punishment I can call for can be adequate thereto; and to an offender of this sort, I publicly declare, I never will hear of any compromise in my chambers whatever: no atonement, or degree of atonement, shall be offered in my chambers: but as the defendant has made a full surrender of what plates and books of this description were left behind, I therefore, on his behalf, beseech the court, that he may have the full benefit of that surrender: let not that, in pronouncing judgement, be forgotten in his favour. I trust, therefore, that your lordship will instantly, if you shall so think fit, pass that portion of judgment, which, considering the atonement he has made, may be deemed sufficient for the crime of thus exposing to seduction the more younger part of the community.

The Recorder then proceeded to pronounce sentence as follows:

John Ryall, you have been convicted of publishing a very obscene libel, so gross that common decency will not permit me to repeat any article of what must give offence to all who are here; the tendency of such a publication to corrupt the morals of both sexes, is too manifest and too enormous to require any demonstration; if the print, like the one before us, can with impunity be placed into the hands of those, who would either contaminate their own minds, or for the vilest of purposes, corrupt and debauch the minds of others: in vain will parents, who with anxious solicitude watch the education of their children, hope to see their earliest endeavours to have their morals free from corruption, their conduct chaste, and their religion pure: in vain will parents hope to see their more laudable views for these good purposes crowned with success: because this work before us tends not only to inflame the minds of the ignorant and innocent, to their own destruction; but to make the conquest over innocence more compleat, it is endeavoured to be done by weakening the force of religion, in holding up to ridicule the most sacred characters. I cannot but take this opportunity of expressing my sentiments respecting those very distinguished characters, who have thought fit to bring conviction home to persons of your description, that they merit the thanks, not only of this court, but of the community at large; it shall therefore be the business of this court to give them effect; and as example is the primary object of punishment, and that your punishment may deter others from offending in the like manner, for that purpose I feel myself compelled to pass the judgment I am about to pass, taking into consideration that you have attempted to make some small reparation to society for the offence you have committed, by a surrender of all the books and prints which have been found in your possession; these
are

are circumstances that, before a court of justice, ought to have some weight: had you not appeared now so circumstanced, you would have been most indisputably sentenced to the pillory, and then God knows whether, with all the precaution that might have been taken, you might have come away alive: you have taken the most prudent part you could take, and that any man who hath offended the laws of society can take, by making reparation to the utmost of your abilities, in consideration of which your punishment hath been very

much reduced, but yet not so much as to take away that impression which it ought to make on your mind, and on the mind of any tradesman who may attempt to do the injury to society that you have attempted, which God forbid any man should do; under these circumstances your sentence is, *that you be fined six shillings and eight-pence, that you be imprisoned twelve months in Newgate, and find security for your good behaviour for three years, yourself in one hundred pounds, and two securities in fifty pounds each.*

The Trials being ended, the Court proceeded to pass Sentence as follows:

Received sentence of Death, 1, viz.

Johnson, James	—	—	100
<i>To be transported for Fourteen Years, 1, viz.</i>			
Smallwood, Joseph	—	—	128
<i>To be transported for Seven Years, 28, viz.</i>			
Audrey, Joseph	—	—	117
Belville, John	—	—	112
Cave, Elizabeth	—	—	104
Clifford, Joseph	—	—	107
Crawley, James	—	—	103
Denny, John	—	—	115
Evans, George	—	—	105
Gilberthorpe, Thomas	—	—	118
Goodman, Thomas	—	—	111
Green, Henry	—	—	108
Hopkins, Daniel	—	—	139
Howard, Henry	—	—	130, 138
Isaacs, James	—	—	130, 138
Mackenzie, Lawrence	—	—	118
Malcolm, John	—	—	102
Mason, David	—	—	110
Massey, John	—	—	136
Neal, Archibald	—	—	125
Palmer, Richard	—	—	132
Partridge, Mary	—	—	128
Rees, Joseph	—	—	111
Smith, George, alias Hannibal, Richard	—	—	135
Smith, Sarah	—	—	123
Stubbs, Jonathan	—	—	127
Sutton, Richard	—	—	137
Walker, Sarah	—	—	117
Whitaker, Edward	—	—	117
Wilson, John	—	—	115

To be imprisoned Two Years in Newgate, 1, Charles Tucker.

To be imprisoned Twelve Months in Newgate, 3, viz.

John Ryal (*fined six shillings and eight-pence and find security*), William Jenks (*fined one shilling*), Elizabeth Burkitt (*fined one shilling*).

To be imprisoned Six Months, 10, viz.

Joseph Francis, John Harvey (*fined one shilling*), Hannah Rock (*fined one shilling*), Joseph Head, George Richardson, John Dodd, James Cain, Sarah Field, and Elizabeth Sharp (*find security for six months*), Timothy Collins.

To be imprisoned One Month, 1, viz.

Ann Brown, alias M^cPherson.

To be whipped, 6, viz.

Thomas Patton, John Whitchurch, Timothy Collins, Richard Groomlidge, John Bryan, William Bennet.

The following respites, who had been capitally convicted in December Sessions, received the King's Pardon on condition of being Transported to New South Wales for life:

Elizabeth Hoseland, Robert Jones, Stephen Hunton, Ann Griffin, Mary Gorman.

The Trial of Henry Prosser, of George Arlett, for Forgery, and of Christopher Unthank, the Postman, were postponed till next Sessions.

The next Session will begin on Wednesday, the 13th of April, at the Old Bailey.

THE
TRIALS AT LARGE
OF THE
CAPITAL and other CONVICTS,
ON THE

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,
HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 13th of APRIL, 1791, and the following Days;

Being the FOURTH SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON,

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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Pater-noster Row.

M D C C XCI.

T H E
TRIALS AT LARGE,
 OF THE
CAPITAL and other CONVICTS,
 ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable JOHN BOYDELL, LORD MAYOR of the City of London; the Honourable LLOYD Lord KENYON, Lord Chief Justice of his Majesty's Court of King's Bench; the Honourable Sir BEAUMONT HOTHAM, one of the Barons of his Majesty's Court of Exchequer; the Honourable JOHN HEATH, one of the Justices of his Majesty's Court of Common Pleas; Sir JOHN WILLIAM ROSE, Serjeant at Law, Recorder of the said City; JOHN SILVESTER, Esq. Common Serjeant, and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

<i>First London Jury.</i>	<i>Second London Jury.</i>	<i>First Middlesex Jury.</i>	<i>Second Mid. Jury.</i>
Geo. Curzon Addis	Frederic Gardiner	James Keene	Thomas Kempton
Thomas Axtell	Thomas Lewis	Thomas Farmer	Evan David Jones
Tho. Adamthwaite	Thomas Bingley	Thomas Holby	William West
Joseph Norville	Harry Hale	Thomas Hurst	Alexander Lambley
James Farthing	Samuel Arnett	Joseph Foreysight	Thomas Saunders
John Chadwick	Richard Strout	Charles Greentree	John Boon†
Robert Peirsey	John Butcher	Leonard Cousins	Thomas Quintil
Dudley Johnson	Thomas Harriott	James Rutt	Thomas Tilley
Thomas Stevenfon	William French	Hugh Lawrance	Henry Gillies
James Hyde	Matthew Hellier	John Lewis	Charles Tuck
Joseph Champney	Henry Tedder	Philip Perrin	Charles Saunders
Philip Stevens	Phillip Day*	David Lewis	John Mayo

* Benjamin Phillips served some time on this Jury.

† Charles Dyson served on Saturday in the room of John Boon.

N. B. The Second London Jury was sworn on Friday, and the First discharged.

144. **J**OHNN SIMMONDS was indicted for stealing, on the 19th of March, a silver table-spoon, value 10s. the property of the Hon. John Levison Gower.

STEPHEN HARRIS sworn. I live with Admiral Gower; on the 19th of March a man came to enquire for my master, if he was at home; he sent up a different

ferent name to John Simmonds, sent his duty, and would be glad to speak to my master, he said he did not know him; I came and told him, he begged me to go up again; I had got up a few steps, and saw him open the parlour door, I returned and called my fellow servant, he came up, and the prisoner had just got out of the parlour, and was shuffling something into his pocket or breeches; he said he had taken nothing; I told him he had; and he held out the spoon; he went through the fore-parlour to the back-parlour, where the spoon was, and the cloth was laid. The prisoner was secured.

RICHARD STALEY *sworn*.
Deposed to the same effect.

(The spoon produced and deposed to.)

PRISONER'S DEFENCE.

The parlour-door was open; Mr. Gower's hat laid on a chair, and the spoon on another, and I took the spoon and said, I have cleaned these spoons many a time; I once lived a boy in the family. Mr. Garrow knows me, if I had money, and I supported Mr. Fox's election.

The prisoner called two witnesses to his character.

GUILTY.

*Tried by the first Middlesex Jury before
Mr. Baron HOTHAM.*

145. JEREMIAH BOWERS was indicted for stealing, on the 3d of March last, a wooden box, value 6d. and a cotton gown, value 5s. and divers other things, the property of Mary Page.

WILLIAM SMITH *sworn*.

I am a school-boy, I live in Cold Bath-fields, my father is a coach-master, I know the prisoner, I saw him in Smithfield on Thursday, the 3d of March, between seven and eight in the evening, he was a stranger

to me, I was coming from the Spread Eagle, Grace-church-street; I was going through Smithfield with a wooden box, and two men came behind me, and knocked the box from under my arm; it fell to the ground; the said Jeremiah Bowers picked it up, and put it on the head of the other man who was in company with him; he said to him d—n you, be off, it is your box; Frances Gray laid hold of him by the collar, and said he should not have it, she was with me at the time; she was then servant to my father; the prisoner struck her with a stick across the head; he then run away, after striking her several times; the other man run away with the box; I do not know the contents of the box.

Fury. What age are you, my boy?—I am fourteen.

Mr. Garrow, Prisoner's Counsel. The first thing you met with was, one of the men struck the box out of your hand; did you ever get your goods again?—No.

FRANCES GRAY *sworn*.

On Thursday, the 3d of March, I was with the other witness; in coming back through Smithfield, the prisoner knocked the box out of Smith's hand; I went to pick it up, and the prisoner at the bar took it up, and put it upon the other man's head, and said it was his box; I told him it was not his box, and neither should he have it; then he upp'd with his stick and struck me, and the other went off with the box, and the prisoner went off; I saw him again at the Justice's, Clerkenwell-green; I knew him immediately, I did not know the contents of the box, it was a wooden box.

MARY PAGE *sworn*.

I was in company with the two last witnesses, I am positive the prisoner at the bar was the man; on coming through Smithfield I saw two men behind us, and they knocked the box from under the boy's arm; it was the prisoner that pushed it from under his arm upon the pavement; then he picked it up, and put it on the other man's head; Gray and the boy had hold of the box,

box, and there was a scuffle with the boy and Gray, and the prisoner struck Frances Gray on the head, he hit her several times; then the man ran off with the box, and the prisoner went away.

THOMAS SMITH *sworn.*

I know nothing of the robbery, I was bound over with my son.

JOHN LUCY *sworn.*

I apprehended the prisoner on the 4th of March, the day after the robbery.

Court to Mary Page. Do you know the contents of the box?—Yes, it is my property, I packed it up myself at Chatham; there was one cotton gown, and all the articles that is in the indictment were in the box; it was given to the boy at the Spread Eagle, who took it under his arm; I came by the Chatham coach on Tuesday, and left the box till I called for it on the Friday; it was screwed down with two screws.

Prisoner. I leave it to my counsel.

The prisoner called three witnesses who gave him a good character.

GUILTY,

Of stealing, but not violently.

*Tried by the London Jury before
Mr. RECORDER.*

146. JAMES ANGUS was indicted for stealing, on the 9th of March, a leather pocket-book, value 12d. the property of Dudley Hyett.

DUDLEY HYETT *sworn.*

On the 9th of March I was standing at the corner of Queen-street, while a cart was going by, between eleven and twelve at noon; I felt it go, and the prisoner dropped it from under his great coat; I saw him drop it, the constable has it.

JAMES RYCROFT *sworn.*

I was coming up Cheap-side; I was a lit-

tle distance from them, and saw the prisoner drop the book; the prosecutor called stop thief, and I took him directly.

JOHN FENNER *sworn.*

I am a constable, the book was given me by the Lord Mayor.

(Produced and depofed to.)

GUILTY.

*Tried by the London Jury before
Mr. Baron HOTHAM.*

147. JAMES HOLT and THOMAS WRIGHT were indicted for feloniously cutting and ripping, with intent to steal, twenty pounds weight of copper, value 20s. the property of Edward Tanner.

EDWARD TANNER *sworn.*

I live at No. 19, Grubb-street, I lost this copper on the 10th of April, I only prove the property; I have nine houses at Pimlico.

FRANCIS PENNY *sworn.*

I know Mr. Tanner's house, I know he has nine houses at Pimlico; on last Sunday evening Mr. Hatchett who lives opposite, came and rang my bell, and said there were thieves on the houses; I went with a candle and lantern in one hand, and a pistol in the other, I searched the house, and found one of the prisoners in the chimney, and called to him, and told him he was a dead man if he did not come down; he came down and I took him: after that I went and searched the nine houses, and found the sheet of copper rolled up ready to take away: Holt was taken to the watch-house.

THOMAS GARRARD *sworn.*

On Sunday evening last I heard there was an alarm of thieves on the houses; about nine o'clock I was set to watch, to see they did not escape; we heard a noise of some-body coming down, I saw Wright come out

out of the kitchen, I pursued him as far Lady Dacres's Alms-houses, I took him.

JAMES SIMPSON *sworn.*

I took the copper from the building, it was in the gutter, it was ripped off the biggest part of the gutter, it was moved from the place where it was ripped to the other gutter; I took it and fitted it, and it matched exactly.

WILLIAM EDWARDS *sworn.*

I was with the former witnesses, I saw the prisoner Holt coming down from the top of the house; he threw down the copper tied up in this apron, I found a hat which had dropped in the back kitchen, which Wright owned as his hat.

JAMES ZEAL *sworn.*

I took James Holt, whom I assisted out of the chimney, and took to the watch-house.

THOMAS LOWERY *sworn.*

I know nothing only the prisoners were brought to the watch-house with the copper, I put my mark on it, and it has been ever since in my possession.

Serjeant Edins appeared for Wright, and spoke to his character.

Serjeant John Wilson appeared for James Holt, and spoke to his character.

JAMES HOLT,
THOMAS WRIGHT, } **BOTH GUILTY.**

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

148. **JOHN SMITH** was indicted for stealing, on the 13th of April, a linen shirt, value 5s. the property of Hammond Pain.

ANN PAIN *sworn.*

I am twelve years next October, I live in Park-lane, my father is a publican; if I swear wrong I go to the devil, and if I swear

NUMB. IV. PART I.

right I do not; on the 13th of this month I was in my father's tap-room, making shirts; he lives in Park-lane, it was about six in the evening, nobody was in the tap-room, my mother went backwards to fetch a plate; the prisoner was drinking a pint of purl, he was there all the afternoon, I was marking of shirts, and I went out of doors to thread my needle, it was rather dark, and I laid the shirt on the bench, and he took and put it into his pocket, I saw him do it; he had been at our house once or twice; I ran after him, and a gentleman caught him a good way off; I saw him taken, and the shirt was in his waistcoat; I saw it taken from him.

JOHN WATERFIELD *sworn.*

I caught the prisoner; I was going along and saw the little girl crying.

(The shirt deposed to.)

PRISONER'S DEFENCE.

I went into this house with a shirt under my arm, I fell asleep for two hours, and found the shirt was gone, I saw this shirt on the tap-room table, and I walked out with it.

GUILTY.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

149. **GEORGE ALLET** was indicted for feloniously forging, on the 14th day of May last, a certain order for payment of money, dated the 3d of May, 1790, with the name of James Long, junior, thereto subscribed, purporting to have been signed by James Long the younger, and to be directed to Mess. Prescott, Grote, and Co. for payment of 25l. to Mr. Thomas Price, or bearer, with intention to defraud the said George William Prescott, and Company.

A second count for uttering a like forged order for payment of money, knowing it to be forged, with a like intent.

A third and fourth counts for feloniously
B forging

forging and uttering as true, with the like intention, to defraud William Jones.

(*The indictment opened by Mr. Knapp, and the case by Mr. Garrow.*)

WILLIAM JONES *sworn.*

I am a grocer, I live at Enfield, I know the prisoner, and saw him on the 14th of May last in Waltham fair, where I had a horse for sale; I was riding in the fair, and met the prisoner, who asked me the price; I told him twenty-five pounds, or twenty-five guineas; the prisoner said it was a deal of money, and asked to see the horse rode; we parted without agreeing for that time; I saw the prisoner about two hours after my return from the fair home to Enfield, who came to my house, and enquired about other business, not particularly relating to the horse, but that being introduced, he agreed to give twenty-four pounds five shillings for the horse, which I told him I would take, when he gave me this note (*the note produced*) for the value of twenty-five pounds, and I gave him fifteen shillings in change. I kept it that night, and on the morrow morning I presented it for payment, and it was refused; I did not see the prisoner for half a year or more, until he was taken up and at Bow-street.

Did the prisoner at the bar ever tell you where he lived, and what he was?—He informed me he was a cheesemonger in Covent Garden, and dealt in the wholesale way.

Did he say what part?—He did not, but he gave me this written direction as his address.

(*The direction produced.*)

What else did he say at that time he bought the horse?—He said he had nothing to take the horse home with, on which I lent him a pair of spurs and a bridle.

After you found the note was refused at Mess. Prescotts and Co. what did you do in consequence of that?—I went immediately to New-street, but could not find any such person there.

Mr. Knowlys, Prisoner's Counsel. You

had a conversation of some length with the prisoner at Waltham-abbey fair?—Yes.

He bargained very hard about this horse?—Not very hard.

He offered at first twenty pounds?—No, he did not.

What was the price?—I informed you before.

You asked him twenty-five pounds, and he said it was too much?—He did.

How long might you be settling, or endeavouring to settle at the fair?—When he came to Enfield we settled in a very short time.

First of all answer my question; you did not agree at all at Waltham-abbey fair?—We did not.

Did not he offer you as low as twenty pounds at that fair?—He did not.

He did offer you something less?—He did.

You gave him your address at Enfield, and he came to you?—He asked me for it.

You was some time before you could agree at Enfield?—No, very little time.

You know there was something, you did not agree, and he went over to the inn?—Yes, but he soon returned.

So, in point of fact, there were three conversations about the horse, before you agreed together?—Yes.

Now, at the time he gave you this draft, did not he tell you he could not be able to make up the price unless you would take a draft he received at the fair?—I am certain he said no such thing.

Court. He did not say he received it at the fair?—He did not.

Mr. Knowlys. Did not he tell you he had not cash enough to pay for it?—I cannot say whether he said that, I understood that I was to have had money for it; but appearing to be a creditable person, I thought the note would be equally the same.

He said he had not got money enough, and he gave you the draft?—He did.

You say he told you that he lived in Covent Garden, and you went to New-street, how came you to go there?—From the directions he gave, which said New-street, Covent Garden.

Mr.

Mr. Prescott has a considerable feat in your neighbourhood?—He has, and therefore I did not doubt the credit of that note.

You heard afterwards of your saddle and bridle, that it had been burnt in the stable where the horse was lodged?—There was such a thing mentioned.

Did not you learn it from the prisoner himself?—He told me so.

Then, in point of fact, there had been a fire in some stable where the prisoner had deposited this horse?—I cannot learn that as a fact, he said so at Bow-street.

Did not you learn there had been a fire at the stable where he had deposited the horse?—I never heard of the horse.

Did not you learn, in point of fact, that the stable where the prisoner had deposited the horse had been burned?—I never learned it, I knew there was a fire in Long-lane.

Court. How long after the sale of the horse at Enfield, did the fire happen in Long-lane?—I do not know.

(The draft read.)

"No. 62, Threadneedle-street, May 3,

1790.

"Mess. Prescott, Grote, and Co. pay to Mr. Rice, or bearer, 25l.

"James Long, Junior."

EDWARD PARRY *sworn.*

I am clerk to Mess. Prescott, I have lived there about eight years.

On the 3d of May last, or thereabouts, was there any such person keeping cash as James Long, junior?—There was not.

Mr. Knowles. How do you recollect that?—By the books.

Only by the books?—Yes, I know all the customers we have; but having looked over the books, it makes me more certain.

Have you any customers of the name of Long?—Yes, we have.

(The directions the prisoner gave read.)

"George Allett, New-street, Covent Garden."

Court. Do you give checks to any one that asks for them?—To customers we do.

PRISONER'S DEFENCE.

I took the draft at the fair that very morning, of one Mr. Cruthers, of Stepney-fields; in the next place, in regard to my address, I live at No. 34, in the aforesaid street.

Court. What is the aforesaid street?—I am so confused I cannot recollect it; in New-street, Covent Garden.

Court. These are notorious facts, and could be proved; have you any witnesses?—My Lord, the first man that was called, but has not appeared, was subpoena'd; I am afraid my prosecutor has got him out of the way on purpose.

Mr. Garrow. This trial was put off last sessions on account of his witnesses not being ready, and he was ordered to be ready by eight o'clock this morning.

GUILTY, of uttering and publishing, knowing the same to be forged, Death.

Tried by the first Middlesex Jury before Lord Chief Justice KENYON.

150. WILLIAM DRUCE was indicted for burglariously and feloniously breaking and entering the dwelling house of William Dresser, about the hour of eight at night, on the 7th of March, and burglariously stealing, nine silk handkerchiefs, value 40s. his property.

WILLIAM DRESSER *sworn.*

I live in East Smithfield, I keep a linen-draper's shop; on Thursday we were violently alarmed by a breaking of the window, we went to the door and it was tied; I went out as soon as the firing was broke, and saw the boy; he was caught before I came up to him; we found a glove inside the window, and he had his hand cut above the glove, and was bloody; there were two pieces taken out, but only one found on the prisoner.

GEORGE

GEORGE ATKINSON *sworn.*

I was on the opposite side of the way talking to an acquaintance, I heard the alarm of breaking the window, and taking out something, but could not tell what; it was dark, but there was a very great light in Mr. Dresser's shop, by which I distinguished him, I pursued him, and he threw the handkerchiefs under my feet, and I picked them them up: I saw him throw them down myself.

(The handkerchiefs produced and depofed to.)

JAMES CRISP *sworn.*

I was passing by on my business, and heard the alarm of the window breaking, and saw the prisoner run away, and this gentleman after him, and I then pursued him, and took the prisoner directly, within a few yards; I did not see him take any handkerchiefs, I was not making any observations.

PRISONER'S DEFENCE.

Last Thursday night I went to Crown-court, Wapping, and a short man ran by me, and soon afterwards those men came up and took me; I am prentice to a fishing-smack, and that very night she sailed, and was going to it as I came up to see my aunt.

GUILTY, Death. (Aged 12.)

Recommended to mercy by the Jury, on account of his youth.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

151. **JOHN RYAN**, otherwise called **GEORGE KING**, was indicted for feloniously stealing, on the 2d of April, a watch, with the inside case and the outside case made of gold, value 8l. a silk ribbon, value 1d. a metal key, value 1d. a steel bed-hook, value 6d. the property of William Tanner, in the dwelling house of Edward Mansfield.

WILLIAM TANNER *sworn.*

I live privately; on the 2d of April, between seven and eight, I left my watch up on the drawers in my room, I am only a lodger in Hare court, Aldersgate-street, I went out for about half an hour, my landlord's name is Edward Mansfield; when I returned the prisoner was at the bottom of the stairs, I stepped back into the yard a minute, and going up stairs, I met the prisoner coming down stairs, I thought he was following me up stairs, as usual, to dress me, he is a hair-dresser, he had dressed me three times; immediately as I went up stairs, I missed my watch, the watch was found at a pawnbroker's, Mr. Harrison's, in Tottenham-court-road; I saw it at Sir Sampson's the Monday after; the watch was given to me; there was a black silk ribbon, a metal key, and a steel bed-hook to it.

THOMAS CHAFFINCH *sworn.*

I am a pawnbroker, servant to Mr. Harrison. I know the prisoner, I am sure he is the man that pawned the watch on the 2d of April, about nine o'clock in the morning, he asked three guineas upon it, he was very much intoxicated at the time, he said it was his own property; I asked him if he was sure of it; then he said he brought it from a person that he dressed; I then had him secured and taken to Bow-street, and the watch; it is a gold watch, I have had it ever since.

(Produced and depofed to by the prosecutor, No. 7482, William Freake.)

(Watch handed to the Court.)

MARY MANSFIELD *sworn.*

Mr. Tanner lodged with me at the time his watch was stole; I was in the passage when the prisoner went up stairs, and Mr. Tanner went into the yard; then he went up stairs, and came down in a great hurry, and said he had lost his watch, and asked where the man was that went up stairs; I said he was gone.

Court to pawnbroker. What is the value of

of the watch eight pounds, a gold watch?
—It is, it has the hall mark upon it.

PRISONER'S DEFENCE.

I know nothing of taking the watch, it was a shop-mate that came to work for Mr. Woodward that morning that took the watch.

GUILTY, Death.

*Tried by the London Jury before
Mr. RECORDER.*

152. JOHN SMITH was indicted for feloniously returning from transportation, and being found at large, before the expiration of his sentence.

JOHN OWEN *sworn.*

I produce the certificate of Mr. Shelton, of the prisoner's conviction.

(*Read.*)

Court. Was you present when the prisoner was tried?—I was.

When was it?—It was February Session, 1784.

What was it for?—A highway robbery, he was pardoned on condition of being transported to America for the term of seven years.

John Penderry called and did not answer.

WILLIAM ROBINSON *sworn.*

The prisoner came to our house on the 2d of January, 1787, to look at some silk stockings; he said he could not see, and desired I would bring some to his lodgings, No. 6, Spring Gardens, and he looked out six pair; I have not seen him since 1787, until he was taken; I have no doubt he is the same man.

Mr. Knowlys, Prisoner's Counsel. You have no doubt! why this was four years ago; can you venture to say he is the same person?—I have no doubt.

NUMB. IV. PART I.

PRISONER'S DEFENCE.

I leave it to my counsel; I thought it had been lunar months, and not callender months, or I should not have been in England.

GUILTY, Death.

*Tried by the first Middlesex Jury before
Mr. Baron HOTHAM.*

153. ISAAC REGUS was indicted for feloniously breaking and entering the dwelling house of ——— Tennant, on the 24th of February last, and stealing eight linen caps, value 8s. and sundry other things, the property of Mary Johnson.

MARY JOHNSON *sworn.*

I live in Hare-court, and only rent a room at Mr. Tennant's, who lets his house out in tenements; I went out at eleven in the morning in February, I locked my door with two padlocks, and another lock besides, I left nobody in the room; I was sent for, and informed my room was broke open; I returned about twelve o'clock at noon.

Did you know the prisoner?—I never knew him in my life; they were taken out of a tub.

ELIZABETH WILLIAMS *sworn.*

I am next door neighbour to Mary Johnson; on Wednesday, the 24th of February, I heard a noise in the next house, and I went out and saw the prisoner come down stairs, and drop the linen at the outside door in the court, and he run away; I am sure the prisoner is the man; I saw him in a minute after, he was taken and brought back.

ANN RUTT *sworn.*

I live in the same court; I saw a man come down stairs, but do not know him again.

SHAKESHAFT *sworn.*

I am constable. (*Produces the things.*) I have

have had them in my possession ever since they were delivered to me by Phillips.

— PHILLIPS *sworn.*

I was in the court, and saw the things in the court, and took them up, and gave them to Shakeshaft.

To Mary Johnson. Did you see Phillips take up the bundles?—No, my Lord, they were taken up before I got home.

(The things deposited to by the prosecutrix.)

PRISONER'S DEFENCE.

I was in Spitalfields-market, and heard the cry of stop thief, I ran and they took me, I work in Field-lane, I have several respectable people to appear for my character.

The prisoner called five witnesses who gave him a good character.

GUILTY,

Of stealing to the value of 10d. only.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

154. WILLIAM JONES was indicted for feloniously stealing, on the 5th day of March, a tin box, value 1d. fifteen guineas and fifteen shillings, the monies of John Taylor, privately from his person.

JOHN TAYLOR *sworn.*

On the 5th of March, I was at the Hampshire Hog, St. Giles's, about eleven o'clock in the evening, I had been drinking and fell asleep; when I awoke, I found I had been robbed of fifteen guineas and some silver: I made a noise, and one began to make a noise, and another made a noise; two of the people in the room were searched, but nothing found; the prisoner had escaped, we took a woman and a man to the watch-house; the next day the prisoner was taken by the patrol on suspicion, he being a poor boy, and being flush of money, and had bought him a coat and some other things.

JAMES LEWIS *sworn.*

I was in the room at the Hampshire Hog at the time, I saw the prosecutor there, and the prisoner sat behind him; I saw the prisoner take a tin box out of the prosecutor's left-hand coat pocket, and went out of the back-door of the same house.

Court to Lewis. Where did you meet Taylor?—At the Globe, Dudley-court, in Crown street, Soho. Taylor said he did not know his way home, and asked me to see him home to Milk-street, Cheapside, about twelve o'clock; then we went to the Hampshire Hog, about a quarter of an hour after that he fell asleep; we had before that half a pint of mulled raspberry; he had not been asleep five minutes before he lost his money.

Court to Taylor. Do you know Lewis?—I never saw him before.

Where did you meet him?—In Dudley-court, Crown street, Soho, from thence we went to the Hampshire Hog, where I fell asleep and lost my money; we drank some gin and raspberry.

The PATROLE *sworn.*

I am patrol, I heard of the robbery, and I saw Jones the next evening dressed in another garb than usual; he asked me if I knew him; I looked under his hat and said yes, I have been looking for you these two hours; upon which I took him and searched him, and found a guinea in the heel of his stocking, and one shilling and sixpence in his pocket; then I took him before Justice Walker, and he was committed.

GUILTY, Death. (Aged 18.)

Tried by the first Middlesex Jury before Lord Chief Justice KENYON.

155. THOMAS CHASELAND was indicted for feloniously breaking and entering the dwelling house of Thomas Copps, about the hour of five in the afternoon, on the 5th day of April, and stealing two hundred

dred and thirty new silk handkerchiefs, value 40l. his property.

THOMAS COPPS *sworn.*

I live at No. 7, Ratcliffe-row, St. Luke's, Old-street; on the 5th of this month I went out about two o'clock, I returned about five; a little girl told me that thieves were then in my house; I went in and found the prisoner in custody.

ELIZABETH WYNN *sworn.*

I was in Mr. Copps's house on the 5th of April, about five o'clock, I work there weekly; I was in the back-parlour, the things were taken from the fore parlour, I thought I heard somebody at the door, I went to the door, and found it open, I went to the front parlour, and missed a bundle of goods, I went to the door, and saw the prisoner in the field with the goods; I cried stop thief, and saw him with two bundles in the fields; the prisoner then run away, and I ran across the fields, and picked up one of the bundles, I only missed one at first; Rigbey took the prisoner in two minutes after; I do not know how he got in the house, he was out of my sight but a small space.

MARY-ANN JACKSON *sworn.*

I was in the house at the same time, in the kitchen, and heard the door opened, I just let my young mistress out, and shut the door immediately, it opens with a spring latch inside and out; I called out, who is there? nobody answered; I met the last witness coming from the gate, who said we had been robbed; I then went to the gate, and saw the man standing by the goods in the field, with his apron in his hand; and we both cried stop thief! I picked up one bundle, and the last witness picked up the other; and he run away; he had his apron in his hand just going to tie up the bundles in it; he was pursued and taken, and brought back to the house. There was no other person in the field but himself and us two women.

EDWARD RIGBEY *sworn.*

I am the constable; I was at work in a

garden in the same field, I saw the prisoner with the two bundles, and saw him come from the house, but I did not see him come out of the house; I watched him in the field through the garden fence, but before he could tie them up, I saw and heard the girls cry out stop thief, I ran round the fence, and pulled out my staff, and took him prisoner, and took him before Mr. Justice Spiller, and he was committed.

(The goods produced and deposited to by Mr. Copps.)

I put my seal upon the bundles, which has not been opened till now.

GUILTY, Death.

Not of breaking and entering the house, but of stealing the goods, value above 40s.

*Recommended by the Jury and prosecutor.
(Aged 19.)*

*Tried by the first Middlesex Jury before
Mr. Baron HOTHAM.*

156. **ROBERT JONES** was indicted for burglariously and feloniously breaking and entering the dwelling house of George Whitewood, with intent to steal his goods, on the 27th of March.

SARAH WHITEWOOD *sworn.*

I am wife to George Whitewood, I live in Fisher-street, I keep a public-house; on the 27th of March I went to bed between eleven and twelve, my husband and I together; I have one servant maid who went up first, I heard my husband fasten the house up: I was called up by the watchman between three and four, a lodger that was with me, got up with me, my husband being very poorly; we went down, and saw the watchman with the prisoner in the passage; he took the prisoner away, I went up stairs to fetch a key to go into the cellar, we went to go to the door which comes into the

the street, and on the steps I found a bladder with some gin in it.

Then you suppose whoever got in, got in by the cellar out of the street?—Yes, by the door that lets the light in to draw the beer.

Did you see the place bolted when you went to bed?—I did not, my husband bolted it, I took the gin up to my own room, I found it upon the steps that come up from the cellar into the street. Winch has the gin.

CHARLES NEWTON *sworn.*

I am the watchman. In the morning of the 27th of March, at three o'clock, I had great reason to suspect that some one was in the cellar by a little dog laying, which I had been informed, had been seen on other suspicious occasions; I waited about half an hour, and saw the prisoner come out of the cellar, I could not seize him till he had crossed the way, when I did, being at the first about six yards distant: I brought him back to the cellar window, which I found open, I immediately knocked at the door, and the landlady came down; I immediately took the prisoner to the watch-house, and delivered him up to a constable of the night.

Court to Mrs. Whitewood. You did not see this cellar window fastened that night?—I did not.

Did you see it was fast?—I heard my husband fasten and bolt it.

PRISONER'S DEFENCE.

I was not in the place, and was the opposite side of the way near Red Lion-square; I was examined and stripped myself, and nothing was found upon me.

GUILTY, Death.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

157. **JOHN CLARKE** was indicted for feloniously stealing, on the 19th of

March, one woollen duffel jacket, value 3s. the property of James Grainger.

JAMES GRAINGER *sworn.*

I live at No. 68, Fleet-market, I am a taylor; on the 19th of last March I lost a duffel jacket, I saw it there at eleven o'clock, and missed it at twelve; the prisoner I saw taken with it and brought back with the jacket; I did not know the prisoner before.

JOHN ORTON *sworn.*

I saw the prisoner take the jacket between eleven and twelve o'clock from Mr. Grainger's door; I was in my own shop, I saw him unpin it; my shop where I was in is almost opposite, I went out at my back-door, and caught him with the jacket upon his arms; the constable has it.

JOHN JOLDS *sworn.*

I am servant to Mr. Orton, I saw the boy unpin the jacket, and saw my master take the prisoner; he dropped the jacket, and I picked it up, and gave it to my master.

SAMUEL SINGLETON *sworn.*

I am the constable, I produce the jacket.

(Deposed to.)

PRISONER'S DEFENCE.

I was coming out of the market, and a lad met me, and asked me to pledge this jacket for him, and he would give me part of a pint.

The prisoner called three witnesses to his character.

GUILTY.

Whipped, and imprisoned six months.

Tried by the London Jury before Mr. Baron HOTHAM.

158. **JOHN HILL** was indicted for feloniously stealing, on the 7th of April, six bushels

bushels of coals, value 5s. the property of John Wylde.

And JOSEPH YOSTUS was indicted for feloniously receiving, on the same day, the same coals, knowing them to be stolen.

EDWARD WYLDE *sworn.*

I have a coal-wharf in Town-lane, Upper Thames-street; on the 7th of April I saw my servants load sixty-three sacks to go to Mr. Kinloth's, Oxford-road; John Hill was to drive one waggon, and one Edward Barker the other.

SHARP *sworn.*

I was standing, about six in the morning, at the end of King-street, I observed two men standing opposite the Green Man and Still, loaded with coals; I then saw the prisoner Hill, and Barker, take each of them a sack, and walk down the road towards Queen-street, I followed them, and saw Yostus conduct them to a house where he lodged, they went in with the coals, and came out with the sacks empty; they staid in two or three minutes.

How do you know it is Yostus's house?—Because some of my men lodge there; Yostus came out with them, and the carmen walked in the middle of the road, and Yostus on the pavement, up as far as Bond-street, and then they joined in company together; when they came out of the house, the two men went back to the waggon, and put both the empty sacks into the waggon, where they took them from; they were both taken from the first waggon; I took my horse, went to Mr. Wylde in Thames-street, and informed him, and went back to Tyburn-turnpike to Mr. Kinloth's, and I saw the men there, and the coals all shot.

Mr. Peatt, Prisoner's Counsel, to Mr. Wylde. These coals you have been speaking of were loaded over night?—They were.

Do you know, from your own knowledge, how many number of sacks were put into the waggon?—I cannot say to my own knowledge, but I am certain all the coals

put into those waggons were the property of my brother Mr. John Wylde.

Did you count the sacks?—I did not.

In whose waggons were they put?—In my waggons.

Hath Mr. Wylde any partners in his business?—No.

When were these coals loaded?—On Tuesday evening.

They were loaded on Tuesday evening, staid in the waggon all day Wednesday, until Thursday morning; do you know whether any were taken out?—I do not know.

Do you know whether any were added to that number?—I do not; all I know is, that the coals put into these waggons were the property of my brother.

Mr. Peatt to Sharp. You saw some waggons in Oxford-road?—I did.

Do you know who they belong to?—They were wrote on the front of it, I pretty near can recollect, John Wylde, Crown-lane, Upper Thames-street.

How far might you be from Yostus, when you see him come out to the carmen?—Half the width of Oxford-road.

It so happened, that Yostus, and the men with the coals on their backs, went the same way; was you at the time the men went in with the coals in the house?—I was not.

Do you know whether any conversation took place between Yostus and the bearer of the coals?—I did not.

Then he was only simply Will with the Whisp walking before them; they did not keep together, I think, you say?—He took a different direction when he saw me.

How is it you happened to know he took a different direction when he saw you?—Because he had the appearance of being confused.

That is, you imagine so; you had nothing but his external appearance to judge of?—Nothing.

They joined again a little distance after that?—They did.

And then Yostus went about his business, whatever it might be?—I know nothing about that.

D

Then

Then the fact is, you do not know who those coals were delivered to?—I do not, I only saw them carried into that house conducted by Yostus.

Did you know who those coals belonged to, that were taken out of the waggon?—Not till Mr. Edward Wylde told me.

Then whether or no they might not be put in by the way, you do not know?—No, I do not.

Then for aught you know, these two waggons might have been the property of some other person.

Court to Wylde. Do you serve any body with coals in Queen-street, where this gentleman describes the two sacks to have been taken in?—No, I do not.

WILLIAM LEVI *sworn.*

The prisoner Yostus lodges at my house, and has done for this half year.

Did you order coals to be brought to you on the 7th of April?—No.

Did you receive any coals on that day?—No.

Was any brought into your house?—I cannot positively say; I saw nothing, I was in bed.

Court. Let me put you in mind of your situation: a man lodges with you, and stands charged here with receiving stolen goods, and these goods, evidently the property of Mr. Wylde; remember you stand here in a very intricate situation yourself?—I heard somebody go down stairs, I was ill in bed, in the morning early, I cannot positively say what time.

Mr. Peatt. You have a good many lodgers in your house?—I have, about eleven.

They have not all separate places for their coals?—They generally keep them in their own rooms; there is a vault in the cellar for the first floor, and one for the second floor.

Court to Levi. When was you first informed of this?—Not till Mr. Sharpe informed me.

Where did you see the coals?—I did not see the coals at all.

When you heard of this, had not you the curiosity to go and look if any coals had been brought in or no?—I did not, I did not like to bring myself into trouble.

Court. I think you went the only way to bring yourself into trouble; is this man a lodger at your house?—He is, and finds his own goods.

What part of the house does he lodge in?—In the kitchen.

Court to Sharp. Have you seen whether there had been any coals fresh put down into that cellar?—Between eleven and twelve o'clock the same day, when the two Mr. Wylde came up to my house, we went down to the cellar, and there was the appearance of two sacks of coals fresh shot.

Did you see the landlord of the house?—I did, I told him particularly of it; but I believe he did not go down to see it.

Mr. Peatt. How do you know it was Yostus's apartments where the coals were seen?—His wife told me they were his coals.

Now if they had been carried into that house, and you had been shewn a quantity of coals, without this information, should you have known there were two sacks?—I should, I am very well used to them.

PRISONER HILL'S DEFENCE.

Edward Barker and I were loaded with five chaldron of coals, I was the last of the two, about one hundred yards behind him; when I came up to him near Ball-street, he said, take a sack and follow me; I certainly did unadvisedly take a sack, and follow; but I received none of the money, nor should I know the house again.

PRISONER YOSTUS'S DEFENCE.

Barker came to me as I was in the stable, and asked me if I was going home, I went home, and he brought two sacks of coal in.

Hill called three witnesses who gave him a very good character, and his master Mr. Wylde said, he believed he would not have done this action, if it had not been for the person that was not taken.

Yostus

Yostus called one witness to his character.

JOHN HILL, GUILTY.

Fined 1s. and imprisoned three months in Newgate.

JOSEPH YOSTUS, GUILTY.

Transported for fourteen years.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

159. ANN SMITH was indicted for feloniously stealing, on the 12th of April, two pounds nine ounces weight of white silk, value 3l. an handkerchief, value 2d. the goods of William York; and nine ounces of black silk, value 10s. the property of Margaret Shepherd, widow.

SUSANNAH YORK *sworn.*

I am wife to William York, I work for Mr. May, and was going to move, and carried my silk to Margaret Shepherd's room for safety; I lost two pounds nine ounces of white silk, and an old handkerchief it was tied up in; I live in Ball's-alley, Wheeler street, Spital-fields; I left this silk along with Margaret Shepherd for safety, while I moved my goods in Wheeler street; I left it last Tuesday the 12th of April, and I saw it again at night.

MARGARET SHEPHERD *sworn.*

Did Susannah York leave some silk with you?—She did; and I lost some black silk myself, eight knots and six skains, this was on Tuesday the 12th of April, about four or five in the evening, I lost them from my own room, and from my own box; the prisoner had been a servant in the house about two years ago, but not when the things were lost.

Did you see the prisoner the day the things were lost?—Yes.

Where did you see her with the things?—It was in the back court, behind the

house; she had then Susannah York's silk in her hand, and the black silk in her bosom, and the silk handkerchief in her hand; I stopped her, and took her by her arm, and led her to my own room, and took the silk and the handkerchief from the prisoner, and the officer has them now.

(The headborough produced the silk, which was deposed to.)

PRISONER'S DEFENCE.

I had nothing at all about me when she came up to me, I was going to pawn my apron to treat her.

GUILTY. (Aged 29.)

Fined 1s. and imprisoned three months in Newgate.

Tried by the second Middlesex Jury before Mr. RECORDER.

160. JAMES KELSEY was indicted, for that he, on the 8th of January last, feloniously did utter and publish as true, a certain forged paper, bearing date the 14th of September, 1790, with the name Richard Bromfield thereto subscribed, purporting to be drawn for Bromfield and Harvey, of the value of 30l. directed to Mess. Child, and Co. Bankers, London, payable to Thomas Copeland, or bearer, on demand, and which said note is as follows:

"No. 48. 30l. Plymouth Bank,

"Sep. 14, 1790.

"I promise to pay Thomas Copeland, or bearer, on demand thirty pounds, value received, for

"Bromfield and Harvey."

"Entered G. H. July 15th."

knowing the same to be counterfeit and forged, with intention to defraud Mess. Child, and Co.

A second count, for having in his custody the same promissory note, on the same day, and

and feloniously making, forging, and counterfeiting an indorsement on the same, purporting to be an assignment of the same note, on which the indorsing is as follows, "John Simmons," with intent to defraud Mess. Child and Co.

A third Count, for the uttering the said note, knowing the indorsement to be forged, with the like intention.

A fourth Count, for uttering the said note, with the same indorsement, knowing it to be forged, with intention to defraud Isaac Swainson.

And a fifth Count, that he did utter and publish as true, the said counterfeit note, knowing it to be forged, with the like intention.

Mr. Knapp opened the indictment, and Mr. Garrow the case.

THOMAS WHITTINGHAM sworn.

I live in Soho, and am superintendant to Mr. Isaac Swainson, the proprietor of Velno's vegetable syrup. On the 8th of January last, in the present year, about seven in the evening, the prisoner at the bar came to the house of Mr. Swainson, and was shewn into my office; he said he wanted a quantity of vegetable syrup, and begged to know what was the price of the medicine for exportation; I told him the allowance of the medicine, when exported, reduced it to eight shillings a bottle; he then demanded what would be the amount of two dozen when packed up? I told him, nine pounds, eighteen shillings; he then paused a moment, and said as it was to go abroad, at least a considerable part of it, he would have twice that quantity, and asked what would be the amount of that? I answered, nineteen pounds, sixteen shillings; he then said that he wanted two bottles left out for the use of a lady who had received a paralytic stroke; and desired it might be sent to his house on the following morning, before nine o'clock; he was going out of town, he said, precisely at nine o'clock, and he would take them in

his carriage; I then asked him his address? his reply was, Captain Simmons, No. 18, Hartford-street, May Fair; he then put his hand into his pocket, and took out of his pocket a piece of paper, in which was the note inclosed; on looking at the note, I hesitated a moment, and said, I believe I have not so much change; the reply was, "It does not signify, I am going to spend the evening at the Cocoa-tree, and I shall get change directly." From the mention of that house, and knowing none but real gentlemen could resort there, it removed in some measure the doubts of my mind, which I had previously entertained; but to farther convince myself, I stepped out to a neighbour's house, to ask his advice; but he not being at home, I returned in a minute, and gave him the change for the note, first desiring him to put his name on the back of the bill, which he did, by the name of John Simmons, and I gave him the difference, ten pounds, four shillings. (*The note produced.*) I went to the banker's the following day, and found the note was a forgery.

Mr. Schoen, Prisoner's Counsel. This transaction happened on the 8th of January, at about eight in the evening. Where did you happen to be when the person who first called on this business came?—In the counting-house.

How does that happen to be situated?—On the right hand passage.

Was you called out of this counting-house at this time?—No; it is the practice of the house, to shew any one that comes, in to me.

This person came then in to you?—He did.

How was he dressed?—He had on a drab-coloured coat, boots, and a round hat.

How many candles do you usually sit with in this counting-house?—I should imagine I had two; sometimes I have one, and sometimes I have two.

This transaction could not have taken up a long space of time?—It might take up five or ten minutes.

And

And during part of which time, you went out to a neighbour's?—I was not out above two minutes.

Then, in course, the person, whoever he was, could not have been above seven or eight minutes in the room with you; and now, can you be sure from this transient view you had of this man, and by candle-light, you can swear to his person?—I could wish I had the least doubt of it.

It was not a long view?—No, it was not; but I must do it in point of conscience.

WILLIAM FULLER *sworn.*

I am one of the clerks in the house of Messrs. Child and Co.

Mr. Garrow. On the 14th of September, or thereabouts, was any Plymouth bank correspondent with your house?—No.

Did the persons whose names appear on this promissory note, have any account at your house at the time that that note professes to bear date?—No.

JOHN HAWKER *sworn.*

I live at Plymouth; I am a merchant there, and never heard of any such a house as Bromfield and Harvey, there; and if there had been any Plymouth bank of that firm, I must certainly have known it.

Mr. Schoen. You mean to say you never heard of that house; you do not mean to say that there was no such house?—If there was, from my situation, I must certainly have known it.

(The note read.)

JAMES SCOTT *sworn.*

I know the prisoner, and he knows me very well; I have known him near on nineteen years; his name is James Kelsey; he went by that name at school.

JOHN TOWNSEND *sworn.*

I am one of the officers of Bow-street: I assisted in the apprehension of the prisoner, on Saturday, the 19th of March, in company with Mr. Clarke, Macmanus,

and Jealous; we went to a house in the City Road, Islington, No. 45; Jealous and I went up two pair of stairs, and there we saw the prisoner at the bar; Jealous and I looked at him; says I, Charles, seize his hands; he did, and I searched him; in his breeches-pocket, in his purse, I found these seven notes: *(produced.)* Five of Plymouth bank, two of Worcester, and one of Birmingham; I found a watch, which was delivered to him at Bow-street; but I took a key off from it, which was hanging to the chain of the watch; and that key opened two trunks which are here.

JOHN CLARKE *sworn.*

I produce a trunk with its contents, as found at Esther Saunders's, Warner-street, Clerkenwell.

ESTHER SAUNDERS *sworn.*

I live at No. 9, Warner-street, Clerkenwell.

This trunk was found at your house?—I cannot say; I never saw what goods they had.

Did you receive this paper?—*A paper produced to the following purport, and afterwards read.*

"New Prison, Clerkenwell,
"March 28th, 1790.

"I, James Kelsey, will and empower
"Mr. Richard Powell, Hoxton, near London, to proceed to the house of Mr. Saunders, in Great Warner-street, and serve
"him with this public notice, before two
"sufficient witnesses, that he must not
"part with any thing, or deliver to any
"person whatever, one article of the furniture on his second floor, formerly the property of Mr. James Kelsey, before he receive sufficient authority from Mr. James Kelsey, so to do, or those empowered by Mr. James Kelsey. Should
"Mr. Saunders act contrary to this public notice, he must take the consequence.
"James Kelsey."

E

Did

Did you, after you had received this, ever apply to the prisoner at the bar, whether or no he sent this paper?—I did not; I did not see him till I saw him at Bow-street.

Have you ever been in the prison with the prisoner?—Yes.

What passed respecting this note?—Nothing.

When did you go to the prisoner?—Two days before I received this paper.

What passed?—He wanted me to put a padlock on the door of the two pair of stairs, which a gentlewoman had taken.

Was that gentleman with the prisoner?—No.

At the time you went into the prison, what passed between you and Mr. Kelsey?—Mr. Kelsey desired me to put a padlock on the door; and I told him I had the plainest objection in the world to the doing of that, as he had not taken the room, nor had I ever seen him in the house.

On what door did he want you to put the padlock?—The door of the room which the gentlewoman had taken.

Who was this gentlewoman?—She was a stranger to me.

Never enquired her name?—No.

Did you see her at Bow-street?—No.

Did you never see the prisoner after you had received this paper?—Never, only at Bow-street.

Did Mr. Clarke at any time come to your house?—He might, for what I know.

Did any body come to your house after you had seen the prisoner in prison?—Not afterwards.

Had you then before this, seen any thing taken away from his room?—They took away something in a coach, but I do not know what.

Look at the trunk that stands before you; did you never see that trunk?—No, never; I was not at home when they took it away.

At Bow-street, these papers were delivered to you; was any thing said about these papers; what passed about them?—I was asked if I had received these papers

from Mr. Kelsey! I said I received these papers, and understood that they came from him, but I could not swear it.

Did the prisoner, or did he not, make any answer or observation on your saying it?—On my oath, I cannot recollect it.

What became of your papers?—On that, Mr. Clarke took them.

Were they read?—I believe they were.

In the presence of the prisoner?—Yes.

Did the prisoner make any observations?—I cannot recollect he did.

What has become of the rest of the goods at your apartments?—The person who took the apartments, came and slept in the house; and since that, I believe she has disposed of the goods to some broker; and they were moved the last week.

You do not know where the lady lived?—No, she paid me, and removed the goods.

To Mr. Clarke. Was you there at the last time the witness was speaking?—I was.

Was this paper produced, we have been speaking of, at Bow-street?—It was, and Esther Saunders was sent for, and attended at Bow-street; on which, the prisoner was sent for, that the witness might see him before the magistrate, to know whether he was the person that had given her the paper; and she then said that he was the person; that she saw him in New Prison; and in consequence of receiving it, she went to New Prison, and saw Mr. Kelsey, and he desired a padlock might be put on the door, that none of the goods might be moved.

Was this notice read in the presence of the prisoner?—It was, but I do not know he said any thing.

Court to E. Saunders. When you was before the magistrate, at Bow-street, you was examined, and your examination taken in writing, and signed by you; now be careful what you are about. Did you at any time say when you was at Bow-street, that the prisoner at the bar had told you that the woman who had brought the goods, was an imprudent woman, and that he wished to take care of the goods for himself, and her?

her?—If she was his wife, she did not tell me so.

You said some woman left goods at your lodgings; did that observation apply to the woman that left the goods?—I should imagine it applied to her.

Was you talking about any body else, or to any body else?—No.

Mr. Schoen to Mr. Clarke. I think you said, that as to that note, when it was read in Bow-street, you did not recollect the prisoner said any thing about it?—Yes.

(The trunk opened by Townsend.)

Mr. Schoen to Mr. Clarke. That trunk was found in Warner-street, not at his lodgings?—In Warner-street, where his wife took us to the lodgings.

Mr. Garrow. Is that the box that was taken from the prisoner's apartments in Warner-street?—It is.

(Some copper-plates produced from the trunk.)

JAMES BARTELL sworn.

I am an engraver.

Can you tell whether this print has been worked off that plate? *(A plate and a print handed to him to examine.)*—To the best of my judgment, it has.

Look at these five? *(Five other prints shown him.)*—No, they are not.

MATTHEW STANDWICH sworn.

I live at No. 18, Hartford-street, May Fair; there is no such person of the name of Simmons lives there.

PRISONER'S DEFENCE.

I would wish to say, I know nothing at all about the notes; it is not my name signed to it.

GUILTY, Death.

Tried by the second Middlesex Jury before Lord Chief Justice KENYON.

161. JOHN BELASCA was indicted for stealing, on the 14th of March last, one hundred and forty-four pounds of thread, called Scotch thread, value 20l. the property of Edward Hore.

GEORGE WILSON sworn.

I live with Mr. Hore, a wharfinger, at the Armitage. On the 14th of March, the Scotch thread was delivered at the wharf; there was a quantity delivered before the 14th of March.

Had you seen it unpacked at the wharf?—No; I loaded it with several other articles in the cart, on the 14th of March, to go to Mr. John Leech, in Cornhill; the carman came back, and said it was stole out of his cart; that is all that I know; it was only marked with initials, I. L. 72.

Mr. Knapp, Prisoner's Counsel. There were a great number of articles upon this wharf?—There were many, but I remember putting this in the cart.

ROBERT M'NABB sworn.

I drove the cart; and a woman called out, there is a man taking a load out of your cart; I examined, and found it was gone; it was marked I. L. to go to Cornhill; it was taken from me while I was delivering a parcel at No. 44, Watling-street; I knew it was thread after it was opened, but not before; I pursued the man.

WILLIAM WILLIAMS sworn.

I stopped the prisoner in Little St. Thomas Apostle; I found nothing upon him; I know nothing of the thread.

SAMUEL EVANS sworn.

The first I saw of it was, the prisoner had the bale on his shoulder, in Queen-street, Cheap-side; then the carman came up, and said he had lost a bale; and a gentleman came up, and touched the carman on the shoulder, and said he is gone that way; I pursued him, and saw him throw the bale down, and run away; he was taken before I could get up to him; he was

was not out of my sight except a quarter of a minute.

THOMAS DIXON *sworn.*

I am a constable of cordwainer's ward. I was at my house, and heard the cry of stop thief! and I went out, and this bale was given to me by Mr. Wyman, at 71, in Queen-street, Cheap-side.

[He not being in court at the time, the Jury begged he might be sent for. Mr. Wyman sent for.]

(Produced and deposed to by Wilson, marked I. L. 72. The bale opened and deposed to.)

CHARLES REVELL *sworn.*

I am porter to Mr. Wyman, callender, in Queen-street, Cheap-side; this is the bale that was pitched at our door, and I took it in while the carman was pursuing the prisoner.

Mr. Knapp. Where was it you first saw him?—At Cheap-side.

I believe there is a turning between two streets in Bow-lane; of course, at that turning you must have lost sight of him?—I did.

Jury. How long?—Not a quarter of a minute.

Prisoner's Witnesses.

MOSES MENDOZA *sworn.*

I live in Bevis Marks, near the Portuguese Synagogue; I have known him from his infancy; I really think him to be a very honest young fellow.

JOSEPH SEALES *sworn.*

I am a butcher. I have known him the last twelve months; he behaved extraordinary well while with me.

GUILTY. (Aged 21.)

Transported for seven years.

Tried by the London Jury before Mr. Baron HOTHAM.

162. **EDWARD PRITCHARD** was indicted for that he, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, on the 17th of March last, in and upon Martha his wife, in the peace of God and our lord the king then being, feloniously, willfully, and of his malice aforethought did make an assault, and that he, with a certain wooden stick, of the value of one penny, which he held with both his hands, her, the said Martha his wife, on the head, face, back, sides, belly, groin, arms, and legs, then and there feloniously, willfully, and of his malice aforethought did divers times smite, strike, and beat, giving to her, the said Martha, by such smiting, striking, and beating, one mortal fracture on the side of her head, and one mortal fracture on the back part of her head the length of one inch and depth of half an inch, of which said mortal fractures and bruises, as well as of the bruises on the back, sides, belly, groin, arms, and legs of the said Martha, she, the said Martha, from the aforesaid 17th of March to the 18th of the same month did languish, and languishing did live, on which said 18th of March the said Martha, of the said mortal fractures, wounds, and bruises, did die; and so the jurors say that her, the said Martha, he, the said Edward, feloniously, willfully, and of his malice aforethought did kill and murder.

He was also charged with the above murder on the coroner's inquisition.

(The case was opened by Mr. Garrow.)

JOHN SIMS *sworn.*

I live at the Horse and Groom in Hosier-lane.

How near to that did the prisoner live?

The door goes out of the yard of the Horse and Groom into their premises.

How long have you been acquainted with the prisoner?—I cannot say how long; four or five months.

Do you remember any thing particular happening on Thursday evening, the 17th of March? I went out into the yard between eight and ten in the evening, and heard

heard a monstrous beating, which appeared to me to be in Mr. Pritchard's room; I staid, and continued some time listening, about a quarter of an hour, or thereabouts; and I heard Mrs. Pritchard's voice, crying out, O dear! O dear! I know I deserve it, several times; I heard him say something, and am certain it was the prisoner's voice, but do not recollect what he said; I was out in the yard also on the Friday night, and heard him quarrelling with her; it might be six or seven o'clock; I did not see him, but I heard him, and I did suppose that it was in the shop; I went round into the yard and I saw Mrs. Pritchard lay at the bottom of the stairs; the prisoner was behind her; she lay with her head up the stairs, and seemed very near spent; I saw her gasp a little; on which some assistance came, and I went away.

Did you say any thing either to the prisoner or her before you went away?—I did not.

Mr. Knowlys, Prisoner's Counsel. The prisoner has several journeymen to assist him in his business?—He has had several I believe; there was one at that time.

You did not judge it proper to go into the house on Thursday night?—I did not.

You did not judge it any thing uncommon to hear a quarrel between the prisoner and his wife?—I had heard them several times before.

Mr. Garrot. What had you heard?—Beating and disputing between them.

Mr. Knowlys. You live at a public-house near?—I do.

You do not know how that woman was as to her habits of drinking?—I do not know; she always behaved very civil whenever I saw her at our house.

ELIZABETH PAINE sworn.

My brother keeps the Horse and Groom in Hosier-lane; I live with them there. On Thursday, the 17th of March, John Sims called me into the yard, and told me Pritchard was beating his wife; and I went into an apartment, a two pair of stairs room, and looked out of window, and heard Mrs.

Pritchard say, I know I deserve my beating, pray have mercy upon me, and do not beat me so; I went out of that room into the shuffle-board room, which window was nigher to the prisoner's apartment, and there I heard her say so several times, and heard the beating, and heard the prisoner swear very much.

How long might this continue?—I cannot positively say; I thought it was near half an hour; it ceased for some time in the course of the half hour, and then it began again.

Court. How long might there pass between the beating ceasing and its beginning again?—I cannot tell.

Was it a few minutes?—It is impossible to say.

Was any thing said between the beatings that you could distinguish?—I heard the word *child* mentioned once.

Mr. Knowlys. These unfortunate people had a child?—Yes. At last her voice grew so faint I could not distinguish what she said; on the ceasing of the beating I saw the prisoner come down into the one pair of stairs room, and stand at the window with the candle in his hand; this was between nine and ten at night; and the upper room was left dark.

What more past?—I do not know, I declare, I was so frightened; I went down to the bar, and waited a bit, and looked out, and saw no light, and they were quiet, so I thought all was over. I never saw her past Thursday morning: I know nothing of Friday.

Mr. Knowlys. In answer to what he said, you heard the woman say she deserved it?—I did.

ELIZABETH AXTELL sworn.

I live next door to the prisoner. On Thursday night, between nine and ten, I heard a noise, as though it was a person beating another with a stick; I stopped and listened a bit, and heard the sound as though it came from Mr. Pritchard's back window; I opened my window, and called out Mr. Pritchard several times, but nobody answered me; this was from my

back window, up one pair of stairs; I shut my window and went up two pair of stairs, and called out Mr. Pritchard again; and I heard Mr. Pritchard say, do not you deserve it? I heard no more that night. On Friday evening, about seven o'clock, I heard Mr. Pritchard swearing at his wife; they were then down stairs on the floor where they shoe the horses, damning and swearing that he could not help her up; I opened my back window, and called out, Mr. Pritchard, what are you doing to your wife? he answered me, that she was in liquor, and asked me if I would come round; I went round to his house, and saw Mrs. Pritchard lay all along on the bottom of the ground where they shoe their horses; I did not see her face till they began to move her; when I first came in he was trying to lift her up; when I saw her face, I said, Mr. Pritchard, if she has been a drinking, it is not that that has made her so, she is a dying; he told me, that she might die and be damned; I told him that was a very sad situation; that she was not to lie there in that manner, that she was to be taken, or something to be done with her, up stairs; after that some other people came in, and he brought down a pillow; she had an handkerchief about her head, which was stuffed with hard dry blood; the pillow likewise was stained with dry blood. I came away and saw no more.

You told us that you expressed yourself to the prisoner, that she was a dying; did she appear to be in that state at that time?—She appeared in that state; as though she was well nigh dead.

Mr. Knapp. You never went into the house on Thursday evening?—I did not.

Nor did you hear the answer that the wife made when he told her she deserved it?—I did not.

It was on his request you came into his house; the prisoner calling you?—It was on his calling me.

Perhaps, else you would not have gone in?—No.

The prisoner never went away from his house?—He did not.

MARY LEYBOURN *Governor.*

I am a lodger to Mrs. Axtell. On Friday evening I heard the prisoner swear very much at his wife, about eight o'clock, damning her eyes that she was drunk; I went into the house, I saw the deceased lying on the bottom of the stairs, on the ground, and her husband over her with a candle; and when I saw her I thought she was dead; I called Mr. Bush and the neighbours in, and I went away, and came back again in less than a quarter of an hour; Mr. Purcell, the surgeon, was there then; he was there at the time she spoke; when I came the second time she was carried up stairs, and on her bed, and the prisoner there too.

How soon after that did she die?—It did not exceed half an hour from that time.

At the time that the conversation passed between her and Mr. Purcell had any observations been made on the state of her bruises?—All her side was of one blackness, up to her arm pits, one of her fingers broke, the back of her hand bruised, a cut over her eye, on her head, and her eye black: Mr. Purcell asked her who made her in that manner? she said, her husband; he asked her who gave her that cut in her head? she said, her husband.

How near was the prisoner at the bar to the bed, at the time this conversation passed?—Standing over the bed with a candle, assisting the doctor while he bled her arm.

Could he hear the questions and answers?—He certainly did.

Did he make any answer or observations on it?—He went and sat down in a chair, and I cannot tell what he said.

Did you say any thing to him?—Yes; I told him, if he did not run away he would be hanged; he said, if he was, he would not run away.

Did you say any thing to him about the condition his wife was in?—I believe I did; but I cannot recollect it, I was in such a fright; he went out of the room, and I did not know what became of him, and I continued with the poor woman till she died.

died, and that was within fifteen minutes after she spoke.

Mr. Knowlys. The time you saw the prisoner assisting at the bed, he was holding a candle, seemingly assisting the surgeon as much as he could?—Yes; he was.

JOHN BUSH *sworn.*

I am a plane maker in Hosier-lane. I went into the prisoner's shop on the alarm being given on Friday evening, and I found the deceased lying on the ground, appearing to me to be dead; I thought she was dead: the prisoner was standing by her: I said, she is dead; I took her up under her arm-pits, and put her in my lap, and still I could not perceive any signs of life: I said to the husband, she certainly was dead, how came it? he said, she was not dead, but she was dead drunk; I looked at her again, and perceived her to breathe a little; I said to her husband, I perceive her to breathe a little, let us get her up stairs; accordingly I and the husband got her up stairs, and laid her on the bed, and then a doctor came up, and he examined her a bit; and I perceived some blood on her head, and a bruise on her arm.

Jury. Did the prisoner at the bar seem agitated at all?—He did not.

You knew Mrs. Pritchard, was she given pretty much to drinking?—I never saw her disguised in my life.

JOHN BLACKETT *sworn.*

I am a taylor, living in Smithfield, in the neighbourhood of Hosier-lane.

On the 18th of March had you an opportunity of hearing any thing that the prisoner said?—I had. After the poor woman was dead; about half after seven, or a quarter before eight, on Friday evening; I went down the lane, and went to his door, and said, if he was there, he should not go away; Pritchard was coming out of the door; I took hold of him pretty fast by the right hand, and said, Pritchard, how do you do? he said, very well; I then said, is your wife ill? he said, she was dead; by a

grasp of the hand I turned him round, and a woman coming behind him said, that he had said, he was glad it was so; this was said in his hearing; he stopped her with his own speech, by taking her discourse up, that he hoped her to be happy, and that he was very glad it was so, and it would have been better for him and his child if it had been seven years ago; he then stopped; and made a pause, and with a different tone of voice said, as for my own life I do not value for a farthing; I kept hold of his hand, and three or four more came in, and he was secured.

JAMES PURCELL *sworn.*

I am a surgeon and apothecary: I am an assistant to Mr. Thistle on Snow-hill. On Friday evening, the 18th of March, I was called upon to assist this poor woman; I saw her lying on the bed in a languid state, apparently dying: when I first went into the room, and seeing her in that situation, I administered something to her, and she seemed to come to herself very much; on which I thought bleeding might be of some service to her; I turned up her gown, and perceived a little blood on the shift sleeve; on that I turned to the prisoner, and asked him what was the cause of that? he said, in a whisper, that she had her courses on her a day or two before; the words he used was, that she had got her months; I ordered all the men in the room out, and had her stripped, and found all her side and her arm very much contused and black, and lifting up her petticoats I perceived her thigh to be in the same situation, very black, and also her arm, and all round entirely from her breast round to her back all the way the same; I did not observe the condition her belly was in till the next day; one of the women said, she had received a wound on her head, that led me to take off her head clothes and examine, on which I observed a contuse wound on the side of the head, the back part: I will not take upon me to say whether it was done by a blow with a blunt instrument, or by a fall.

Jury. How long did you suppose that bruise

bruise might have been given?—Not that evening.

I observed the scull; the scull laid perfectly bare about a quarter of an inch, the inner membrane that covers it being divided.

You put some questions to the woman?—I did.

At the time you put these questions was the prisoner at the bar in a condition to hear?—He was, certainly.

At the time you put these questions did it appear to you the woman was in a dying state?—Certainly.

Did she appear to be sensible at the time?—As much as a dying person possibly could be so; I saw no symptoms of derangement.

What did she say?—I knelt down by her bed side, and said, in the name of God, my good woman, if it is possible for you to speak, tell me who it was that bruised you in this manner? she said, my husband; I asked her again, who gave her the wound on the head? she said, my husband: on that the prisoner at the bar got off from the bed, and went towards the fire, and sat down, and said, he wished she had been dead seven years ago; I gave her some more stuff, and each time I gave her the stuff the husband procured me the water; I shortly after went, and when I was going I said, my good man, do not be under any apprehension, she will do very well; I told him so because I was afraid, after the confession of the woman, that he would make off; but I told the women she would not live above ten minutes. The next day on taking off the cap of the brain I found a small quantity of extravasated blood lodged in the brain; externally there was a very slight fracture; internally there was no fracture, but a rupture of one of the blood vessels by a fall, and this rupture was just immediately under the part where the membrane had been divided; I also then observed that the bottom of her belly was very black, by a lodgement of blood; the middle finger of her hand likewise broke, and her hand very much bruised.

I would ask you, though that cannot be necessary, could all this complication of

bruises be occasioned by a fall?—No; certainly not.

Mr. Purcell, by your judgment what occasioned the death of this woman?—I believe the blow on the head.

Mr. Knowlys. From the appearance you was not capable of saying whether that fracture on the head arose from a blow or a fall?—I could not, only as she told me.

LUKE HODSON *sworn.*

I am a surgeon, in King-street, Snow-hill.

Did you examine the body of the deceased after her death?—I did; and I found a wound on her head, and under the wound was a fracture in the bone of the scull, and very much contused; after I had raised the scull I found the membranes quite broke, and I saw some extravasated blood, which proceeded from a rupture of some of the vessels; I desired the gentleman to open the body; and on the side there was many bruises and much extravasated blood.

What occasioned the death of this woman?—No doubt from the external violence of these bruises, the situation of her body, without the fracture on her scull, must have so affected the internal parts, particularly the thigh and groin, that I should judge she could not survive; but more particularly by the fracture on the scull.

ELIZABETH BAILEY *sworn.*

I was present at Mr. Pritchard's when Mr. Purcell asked her who abused her so? she said, her husband; he then asked her how she came by the wound on the head, and who gave it her? she said again, my husband.

PRISONER'S DEFENCE.

She was in liquor, and she tumbled down the stairs, which was the cause of her bruises, both of her hand and head; and I fetched her up again at twelve o'clock at night.

GUILTY, Death.

*Tried by the London Jury before
Lord Chief Justice KENYON.*

After

After sentence was pronounced the prisoner bowed and said, Gentlemen, I am very much obliged to you, I am very happy, I hope to be as happy a man as any in the kingdom, for I am not guilty.

163. **GEORGE STRINGER** was indicted for feloniously stealing, on the 15th of April, four linen shirts, value 10s. a linen night-cap, value 4d. a cambrick handkerchief, value 1d. a child's pin-a-fore, value 6d. and a linen pillow-case, value 10d. the property of John Booth.

ELIZABETH BOOTH sworn.

I am wife to John Booth, I lost these articles in the indictment out of a washing tub last Friday night; the tub stood in a sink in a wash-house in the house where I lodged, I saw the prisoner with them under his arm, going out of the street-door in a bundle; he came in at the street-door, the door of the yard where the tub was, I saw him go along the passage, which goes from the yard to the door; I did not stop him, but saw him stopped with the bundle upon him; he was bending down, stooping, when he was attacked with the bundle, I lost sight of him before he was taken, but I am sure it was the same man as I saw go out of the yard.

GEORGE TROTTER sworn.

I am a bricklayer; on Friday night I saw the prisoner coming out of the house with a bundle; Mrs. Booth asked me if I saw a man go out of the house with a bundle, I said yes; I went immediately after him for about twenty yards, and he then attempted to lay it out of his hand.

Was he running when you saw him?—He was; I took hold of the boy and the bundle both; I gave it to Mrs. Booth.

Court to Mrs. Booth. Did you receive that bundle of Trotter?—I did.

(The bundle produced and deposed to.)

NUMB. IV. PART II.

PRISONER'S DEFENCE.

I saw some men running past that way, and I ran, and two or three took hold of me by my hands and legs, and chucked me into a great pond of water, and asked me if I knew any thing about it; I told them no.

GUILTY. (Aged 26.)

Whipped, and imprisoned twelve months.

Tried by the second Middlesex Jury before

Mr. RECORDER.

164. **MARY LYNCH** was indicted for burglariously and feloniously breaking and entering the dwelling house of David Smith, about the hour of nine at night, on the 12th day of March, and stealing a pair of sheets, value 10s. three linen shirts, value 10s. and a pair of corduroy breeches, value 5s. his property.

DAVID SMITH sworn.

I live at No. 3, White Bear Court, Aldersgate, High Street; my house was broke open on the 12th of March, I was not at home.

ISABELLA SMITH sworn.

I am wife to the last witness, I do not know the day of the month, it was five weeks last Saturday, as near as I can tell; I locked the door when I went out at seven, and left nobody in the house, I had fastened my own room; we have the whole house, but keep but one room, and let out the rest, we keep the kitchen only, the other part of the house is let to different lodgers; my own room was locked, the rest of the house was open, I took the key of my room with me, the outer door is left open; I returned in about fifteen minutes, the door was forced open, the ward of the lock gave way, and was burst open; when I got in I missed a pair of sheets, three linen shirts, and a pair of corduroy breeches, which was not missed till found upon her; they were in the room; I went immediately to Mr.

G

Winney's

Wincey's in the Minories, he is a pawnbroker, there I found the shirts, the breeches, and in Whitechapel I found the sheets; the shop belongs to Mr. Wincey. (*Produced and depofed to by the prosecutrix.*) The sheets are stained with green paint.

HENRY BATT *sworn.*

I am fervant of Mr. Wincey in Whitechapel, I believe thefe sheets to be the fame the prifoner brought to our fhop the 12th of March, they were ftained with green paint, I do not know that I ever faw her before, but I am quite certain fhe is the woman.

JOHN DAWSON *sworn.*

I am a pawnbroker, the prifoner at the bar offered to pawn with me a fhirt and pair of breeches about eight o'clock, and I ftopped her, and charged the conftable with her.

The CONSTABLE *sworn.*

I was fent for to Mr. Wincey to take charge of the prifoner, and received three fhirts and a pair of breeches; the only produced at firft one fhirt and a pair of breeches, the other two fhe had in her apron.

PRISONER'S DEFENCE.

Sir, I was at work at a cheefemonger's in Whitechapel, I go out charing and wafhing at Mr. Price's, and a woman gave me the things; the woman run away from her houfe, and I know not where to find her.

GUILTY,

Of ftealing, but not of the burglary.

Transported for feven years.

*Tried the London Fury before
Mr. RECORDER.*

165. JOHN ROBINSON was indicted for feloniously ftealing, on the 14th of March, two looking glaffes, value 5s. the property of Ambrofe Warff.

AMBROSE WARFF *sworn.*

I am a cabinet-maker in Ratcliffe-high-

way; on the 14th of March I loft two fmall looking glaffes, taken from a cheft of drawers in the fhop; they were there in the morning when I went out, between nine and ten, I came back between eleven and twelve; they are in court now; I have known the prifoner fome years, but know nothing of the lofs.

Mr. Knowlys, Prifoner's Counsel. Have you any partners?—No.

WEST *sworn.*

I was ftanding in Cable-ftreet on the 14th of March, and I ftopped the prifoner with thefe two glaffes, he was running, and the people after him, crying ftop thief; it was about three hundred yards from Mr. Warff's houfe.

(The glaffes produced and depofed to.)

THOMAS REYNOLDS *sworn.*

I purfued the prifoner, I faw him take the glaffes out of the fhop, and when he came out I immediately purfued; it was about nine in the morning.

The prifoner called four witneffes who gave him a good character as well as the profecutor.

GUILTY. (Aged 36.)

Imprifoned three months in Newgate, and fined 1s.

*Tried by the fecond Middlefex Fury before
Mr. Baron HOTHAM.*

166. JAMES EVANS was indicted for feloniously ftealing, on the 16th of April, one hundred and fifty pounds weight of lead, value 20s. the property of John Brown, and fixed to a building of his, againft the ftatute.

JOHN BROWN *sworn.*

I am a builder; this lead was taken from a houfe in Devonshire-place, not yet quite finifhed, the prifoner was taken laft Saturday night.

EVELYN

— EVELYN *sworn.*

I was coming home last Saturday, about half past one, and saw the prisoner at the bar, and two others, within the iron railing of a house in Welbeck-street; it being so late, I was a little alarmed; I went toward them, and thought I saw something set down, I cannot positively say what; they got out into the road, and I followed them for ten or twenty yards; I called to the watchman; but, previous to that, I perceived one of them with a bundle on his head; and when I came back from the watchman, to pursue them, I found they had dropped the bundle: I challenged the three with having had property on their heads, and asked them what made them drop it, and gave charge to the constable, and he followed the prisoner, and took him out of a house where he had escaped into a cock-loft; the others made their escape, and are not yet taken.

WILLIAM BUTLER *sworn.*

I am a watchman: the last gentleman came to my box, and told me that he suspected these three as thieves; they ran up a court, and two went in a house, and I found one of them up in a cock-loft, the prisoner at the bar; afterwards we found the lead in Bullstrode-street; it was picked up by another watchman.

THOMAS HARVEY *sworn.*

I went to this watchman's assistance, and found the prisoner in the cock-loft.

WILLIAM WHITE *sworn.*

I found the lead, No. 16, Bullstrode-street, near Welbeck-street, laying against the door, by the rails.

(*The lead produced.*)

SAMUEL COLLINS *sworn.*

As I was going by No. 41, Welbeck-street, I found two sheets of lead lying under the door-way.

(*The lead produced.*)

Court to Brown. Have you fitted these pieces of lead to the building?—I have,

and they fitted exactly; they were taken from a lead flat that covers the kitchen, fixed with wall-hooks to the wall.

Prisoner. I was coming home from Watford, where I had been to see an aunt; in this street I met these two men with bundles on their heads, and they chucked them down, and this gentleman came up to me, and said if I offered to run away he would shoot me; so I ran into this house for fear he should.

GUILTY. (Aged 18.)

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

167. RICHARD HAYMAN was indicted for feloniously stealing, on the 23d of February last, a pinchbeck watch, value 25s. a base-metal watch-chain, gilt with gold, value 2s. and a steel seal, value 2d. the property of Thomas Miller.

THOMAS MILLER *sworn.*

On the 23d of February I was at the Sugar-loaf, Bell-yard, with a company of private persons; they went, and I remained; and about ten minutes after the prisoner at the bar came in: I went out, and laid my watch upon the table, immediately before my seat, and left no man in the room but the prisoner: when I came back, the prisoner was wiping up the very part of the table where I had left my watch: I did not think of the watch then, but went to my chambers at Serjeants-inn; and having occasion to know what it was o'clock, I missed my watch, in less than ten minutes: I immediately returned, and the boy was out; I called several times, and he never returned: on the Sunday following his master apprehended him, and sent for me, and the duplicate was found.

Prisoner's Counsel. Was you drunk or sober?—Perfectly sober.

Did you leave your watch there as a place of safety?—I had left it there fifty times before; it is a private room.

It

It might be a proper room, if you wish to lay a trap for a man's life.

(The Counsel for this was reprimanded by the Court.)

ROGER GASTRELL sworn.

I am a constable, and Mr. Miller gave me charge of the prisoner on Sunday the 27th of February: at first the prisoner denied knowing any thing about the watch, but I told him he had better confess; and I found the duplicate on the floor, in his master's room; the prisoner was in that room at the time: I went to the pawnbroker, and ordered him to bring the watch to the justice.

Prisoner's Counsel. You found it in the room, not on the prisoner?—In the room.

WILLIAM CLARK sworn.

I live with Mr. Muller, pawnbroker. On the 26th of February the prisoner pledged a metal watch for one guinea; I did not know him before, but I am sure he is the person; he pledged it in his own name, and said it was his own, and that he lived at No. 25, Chancery-lane; it had no chain nor seals.

Prisoner's Counsel. You had never seen the prisoner before?—No.

How long might he have been in your shop?—About ten minutes; I am sure he is the same boy.

PRISONER'S DEFENCE.

A man asked me to pawn the watch, and keep the duplicate; I never saw him before nor since.

(The watch produced; and deposed to.)

(The constable gave him a good character.)

GUILTY. (Aged 19.)

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

168. **JOHN HANSON** was indicted for feloniously stealing, on the 27th of December, a cloth coat, value 7s. a velveret waistcoat, value 3s. two pair of hankern breeches, value 12d. two pair of stockings, value 12d. two muslin handkerchiefs, value 6d. and a pair of silver shoe buckles, value 7s. the property of Jude Wells.

JUDE WELLS sworn.

I am a whitesmith; I live at No. 8, Baker's-buildings, West-Smithfield. On the 27th of December I went out about seven in the evening, and returned about twelve, went to bed, and arose the next morning at eight, at which time I missed my shoes and buckles; I missed also my coat, waistcoat, breeches, four shirts, and two pair of stockings; I locked all these things in my box that afternoon at four o'clock, and I found it open the next morning; the prisoner lodged with me, and was my bedfellow and fellow servant; he slept out that night, and went off the next morning at six; he was missing for near eight weeks; he was taken by one of our patrols with my breeches on him; I found nothing about him but the breeches and knee-buckles. (The buckles produced and deposed to.) When he got up at six in the morning, he said he would go hard to work.

WILLIAM STEELE sworn.

I slept in the same bed with the prosecutor and prisoner; at six o'clock in the morning he said to me, Bill, if you will get up, I will go and work a hard day's work: at day-light I missed my own shoes.

WILLIAM MULLEN sworn.

I took the prisoner, on the 18th of February, at the corner of Sharp's-alley, at Cow cross, near eleven o'clock; he was standing at the corner, and said there were some women that had taken some money from him: I asked him if he did not know William Steel; he said, No; I asked him if he did not work with Mr. Hurst, a file-cutter; he said, No: I told him, he must go along with me; and when I came up to Mr. Steele's, they identified his person.

Prisoner.

Prisoner. I know nothing about it; I was in bed at the time he said he found this box broke open.

GUILTY. (Aged 16.)

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

169. JOHN HUGHES was indicted for feloniously stealing, on the 7th of March, two linen sheets, value 7s. the property of George Holloway, in a lodging-room.

GEORGE HOLLOWAY sworn.

I live at No. 3, Star-court; the prisoner lodged with me; I let him the lodgings the last day of February; he lodged there six nights, and then was missing two nights, Friday and Saturday; on Sunday night he came in and lodged again, and told me that he would settle in the morning; in the morning I missed the sheets, in consequence of an information from a fellow-lodger; they were linen sheets.

Did he ever return to his lodgings again? —No: I went to Phoenix-alley, where he had told me he had lodged for four years, and I saw him go by just at the end of the alley, with the sheets in his hand, just at seven o'clock in the morning; I seized him, and he was taken down to Sir Sampson's.

(The sheets produced, and deposed to.)

What trade is he?—He told me he was a painter.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Lord KENYON.

170. JOHN ROWLAND was indicted for making an assault, in the King's highway, on Alexander St. Barbe, on the 1st

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of March, and putting him in fear, and feloniously taking from his person, and against his will, a metal watch, value 5l. a watch-chain, value 3d. a watch-key, value 1d. and a seal set in gold, value 10d. his property.

ALEXANDER ST. BARBE sworn.

I am a gentleman: I know nothing of the prisoner: between two and three o'clock at noon, going by Somerset-house, on the 1st of March, walking up towards Westminster, there was a large mob of people in the street, some of which hustled me very much, and struck me with their hands against my arms; at last, they got my watch, and ran away with it: I did not observe the prisoner at the bar among the croud.

Did you make any resistance?—I could not, there was such a number of them about me, and they kept up my hands; I felt them pull it out of my pocket.

JOSEPH CREEDLAND sworn.

I am one of Sir Sampson Wright's patroles: on the 1st of March we were walking before the charity children of the Welsh society, in the Strand, just before three o'clock; I saw a gentleman hustled; I ran up, and saw the prisoner pull the watch out of the gentleman's pocket, and apprehended him immediately; I laid hold of his arm, and he had it in his hand; he let the watch drop; I stooped to take the watch; in doing which he sprung out of my hand; I then cried out, stop thief! and followed him, and retook him before he was out of my sight.

Prisoner. I was going along the Strand at this time, and these two men came up and laid hold of me, and said I had taken the gentleman's watch.

(The watch produced, and deposed to.)

GUILTY of stealing, but not violently.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

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171. THO-

171. THOMAS CAWSEY was indicted for burglariously and feloniously breaking and entering the dwelling-house of John Innocent, between the hours of five and six in the afternoon of the 16th of February last, and burglariously stealing therein a brilliant diamond ring, set in gold, value 100l. and one fish-skin case, value 6d.

And JOHN DRISCALL was indicted for feloniously receiving the same, knowing it to be stolen.

JOHN INNOCENT *sworn.*

I am a goldsmith and jeweller: on the 16th of February, between five and six in the evening, I was standing at my window, looking at a silver-bladed knife which a woman brought in to sell; I heard my window smash; and, looking, I saw the prisoner Cawsey endeavouring to grapple for the diamond ring out of my window: I went to my door; and my son, Robert Innocent, ran after him, and brought him back, and he was searched, and nothing found upon him; we thought that he might have swallowed it; and the justice allowed us to keep him at our house a week; however, on the 4th day a man came from Mr. Wright to let us know that a person had stopped this ring.

Was any body in company with the man at the time?—I did not see any body.

Did you keep your eyes on him till your son apprehended him?—He turned round the corner, at the bottom of the alley, which is about five doors, but my son brought him back in two or three minutes.

ROBERT INNOCENT *sworn.*

I am son of John innocent. On the 16th of February, as I was cleaning the windows, I heard the window break, and saw the prisoner turning down Cranbourn-passag; I ran after him and caught him; it was about twenty yards from my father's house; I seized him by the collar, and turned him round about a yard, and saw George Williams coming in pursuit.

GEORGE WILLIAMS *sworn.*

Coming along on the 16th of February,

between five and six in the evening, I saw the prisoner looking at Mr. Innocent's shop; when I had gone about two or three yards, I heard the glass break, and an alarm was given, stop thief! directly; he immediately ran round Castle-street. I pursued the prisoner, and Mr. Innocent's son got hold first, and I helped him next, and laid hold of his right side; coming up the corner of Cranbourn-street, he dropped this fish-skin case.

(The case produced, and deposed to.)

THOMAS WILSON *sworn.*

On the 16th of February last I came to shut up Mr. Innocent's shop; I brought out three shutters, and was going back for three more, and heard a pane of glass break, on which I turned again, and saw the prisoner run, and my young master after him; I immediately cried stop thief! and I ran after, and saw this case drop from the prisoner's right-hand.

A Witness sworn. I was helping shut up my master's shop, between five and six in the evening; I ran to the door upon a cry of stop thief! and staid for about two or three minutes, and saw the prisoner drop the case from the side next him.

For the Prisoner Driscall.

MARY SPICER *sworn.*

I know nothing of the prisoner Cawsey: I came to speak of Driscall. Between five and six o'clock, on the 16th of February, after the prisoner Cawsey was gone from the door, I saw Driscall about the door where the case was dropped, and he was sweeping about there at the time; I did not see him take up any thing.

How long was this after the cry of stop thief?—irectly; I did not hear the window break.

WILLIAM WRIGHT *sworn.*

I am a jeweller. On Thursday morning, the 17th of February, I had been out; and when I came home, at eleven o'clock, the prisoner Driscall had left a ring at my shop, to know its value: I saw it was a ring of value:

value: when he came again, I asked him where he got it; he said he found it on a curb stone in Black-friars: I told him I must take his address, and let him go.

THO. CAWSEY, GUILTY, Death.

JOHN DRISCALL, NOT GUILTY.

Tried by the first Middlesex Jury before Lord KENYON.

172. ELISHA COLLIER and JANE SHARPE were indicted for burglariously breaking and entering the dwelling-house of Patrick Killgore, about the hour of one in the night, and burglariously stealing therein four pieces of printed cotton, value 6l. his property, on the 3d of April.

WILLIAM RAINEY *sworn.*

I am employed by Mr. Killgore, in Friday-street; a Scotch warehouse. Between the 2d and 4th of April the warehouse was broke open; we lost four pieces of printed cotton; I saw them laying there on the Saturday night; on the Monday morning I saw the window was broke, and I missed the four pieces; the warehouse is under the dwelling-house; the pane of glass was broke, and the glass laying on the counter, and these two hooks; the window looks into the street.

JOHN TYLER *sworn.*

I am a pawnbroker, in Shoreditch; here is a piece of cotton, pledged with me on the 4th of April, in the name of Jane Collier, the prisoner at the bar now under the name of Jane Sharpe; I lent 7s. upon it; here is the duplicate; (4th April, remnant of cotton, 7s. Jane Collier).

(Cotton produced).

Rainey. I cannot swear to the piece, it being cut; it is the same pattern we lost.

SUSANNAH NEVIL *sworn.*

I have a piece of cotton, which was brought me the 4th of April, by Jane Col-

lier; I do not know whether the prisoner at the bar is the same person that brought it; I lent her 8s. upon it.

CHARLES ALLEN *sworn.*

I know no more than searching Jane Sharpe's pocket; I found these two duplicates.

JOHN MONK *sworn.*

On the 3d of April, Collier and Sharpe met me in Friday-street, and we went together; Collier and Sharpe broke a pane of glass, and stole four pieces of printed cotton; I was with them on the 3d of April; we had two hooks tied to a stick; by breaking a window, we put the stick in, and drew out four pieces of cotton, which we took to Goswell-street, to one Mr. Tucker's lodging; he gave 4l. 3s. for three pieces; the other we took to our own home, and cut it into remnants; there were four six yards, and four yards, which Jane Sharpe pawned, some for 7s. and some for 8s. and the four yards for 4s. some of which was pawned with Tyler, and some with Nevil, and some with one Francis.

Court. How came you to be known in this affair?—I informed Mr. Armstrong of it.

Was you taken up on this affair?—I was not.

Collier. He was taken up for another robbery with another man.

JOHN ARMSTRONG *sworn.*

I received some duplicates from Allen, and went to the pawnbrokers, and found the cottons; here they are: Monk was admitted evidence by the magistrate.

ELISHA COLLIER, GUILTY, Death.

JANE SHARPE, GUILTY, Death.

Tried by the first London Jury before Lord KENYON.

Court to Jury. Gentlemen; it is not for me to dictate to you; but perhaps, if you were to re-consider the case of Elisha, you will

will find it stands totally on the evidence of the accomplice, which is not sufficient for conviction.

The Jury deliberated some time, and then gave a verdict,

ELISHA COLLIER, NOT GUILTY.

JANE SHARPE, GUILTY, *Death.*

Court to Collier. The Gentlemen of the Jury have done, undoubtedly, perfectly right in acquitting you; though, privately speaking, I very much suspect your guilt: the rules of administering justice have protected you more than your own innocence; take care the future course of your life is conducted better than that which is by-gone, or else you will be very soon cut off; take care, remember and return God thanks for the mercy that is now shewn you.

173. CHARLES SIMMONS was indicted for feloniously breaking and entering the dwelling-house of Elizabeth Rackett, widow, about four in the afternoon, on the 4th of April, the said Elizabeth Rackett and others of her family then being in the said dwelling-house, and feloniously stealing one metal watch, value 40s. a steel chain, value 6d. a seal, value 6d. and a metal watch-key, value 2d. the property of Mary Baker, widow.

MARY BAKER *sworn.*

I get my bread by washing; I am a widow; I live in the house of Elizabeth Rackett, widow; her house was broke open on Monday, the 4th of April; there was Mrs. Rackett and others of her family within; the two pair of stairs room was broke open; I live in that room; the prisoner came in at the street door, which is always on the latch; I was in the one pair of stairs room; I had locked my room before I came down; I heard somebody coming down, and I opened the one pair of stairs room door, and I asked the prisoner what he wanted; he asked if Mrs. Jackson lodged there; I told him no; a person

asked what she was; he said, a boot-closer; another asked me if my door was fast; I said, yes, I am sure I locked it; he went down into the street, and I went up stairs and missed my watch; and a witness and me went down after him, and we took him about the middle of the street; he was walking along very leisurely; Susannah Abbott stopped him, and we brought him to our house again, to the first floor; and coming up the stairs, we found the watch on the stairs; he consented to go very quietly back; we sent for a constable; this is my watch; it is metal; I gave three guineas for it; it would sell for 40s. and the chain 3s. the watch was over the mantle-piece, I saw it not half an hour before; the prisoner is the man; he was a stranger to me.

SUSANNAH ABBOT *sworn.*

I go out a nursing; I happened to be there on the Monday; I come sometimes to mend stockings; and this young woman said her room was robbed, and her watch gone; and I ran down stairs, and I followed the prisoner; he walked very leisurely, and I ran after him, and in the middle of the street he turned round to see if any body was coming, and I caught hold of his two shoulders, and I said, you dog, you have got my watch; I said so in my fright; he tried to get away, and Mrs. Baker came to my assistance; then he asked my pardon, and said he would give us the watch again; and I said to him, that he should carry the watch where he took it from; and going up stairs, I saw the watch on the one pair of stairs, as he was going up the stairs: Mrs. Baker took up the watch: we put the man in the one pair of stairs, and sent for a constable; we asked him where the wooden case was that the watch was in, and he said she would find it up stairs; he was fumbling something out of his pocket, and he dropped those keys (*picklock keys produced*); we tried the keys to Mrs. Baker's door, but could not make either of them do.

Mrs. Baker. The lock was not hurt or spoiled at all.

RACKETT

RACKETT *sworn.*

I am son to the widow Rackett who keeps the house ; she was at home, she is incapable of going out ; there was another brother at work in the upper story with myself, I heard the alarm, and ran down, and saw the prisoner taken and brought back ; I heard Mrs. Baker, as he went up stairs, say, here is the watch. The prisoner's behaviour was very submissive indeed ; he knelt and held up his hands, imploring pardon ; he sat on a chair, and I perceived him fumbling in his pockets, and we found the keys in the chair that he arose from.

JOHN BEAMISH *sworn.*

I belong to the public-office in Hydestreet ; I apprehended the prisoner with Treadway.

Prosecutrix. In my fright I could tell nothing of the marks, the wooden case was laid in a chair behind the door ; I did not see the keys taken from the prisoner.

Court to Mrs. Abbott. Were these keys in his pocket ?—He shuffled them out of his pocket.

Mr. Rackett. I am a watch-maker ; I cleaned this watch, I told Justice Walker it was a flat metal watch, but I did not know it further.

(Shewn to him.)

Is that the watch you repaired ?—Yes, I think I can safely say it is the watch that belongs to Mrs. Baker.

PRISONER'S DEFENCE.

My Lord, Sir, I was walking up Deanstreet, Holborn, and coming towards Kingstreet, the short lady laid hold of me ; says she, you rascal, you have my watch ; I said I did not know what she meant, but to satisfy her, I would go any where with her ; and in the mean while the owner of the watch came, Mary Baker, and they both laid hold of me by themselves, and I walked quietly, and they took me into Kingstreet, and took me into a house, and I got into the room, and another man and Mary Baker next, and the lady next, and so got into

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the room, and a man was between the stairs, and I heard them halloo out, here is the watch. Mary Baker began storming and swearing, and asked me for the case of her watch ; I told her I knew nothing at all about it, and I supposed where she left it she would find it ; I was then at the other side of the room ; the lady went to the chair, I heard something gingle as she shook the chair, and these things fell out. Then she sent for a constable. I went to the office, and the lady came at six o'clock ; she told the Justice that she did not know the name or number of the watch : she did not know what sort of a seal it was. The Justice asked her what was between the cases, and she could not tell ; then the Justice said the watch was not her's ; she said it was ; and the watchmaker could not swear to the name or number ; but he knew that Mary Baker had a flat metal watch ; but the watch was delivered into her custody, and so she has had the watch all this time ; she can tell you I had several witnesses that would have come here and sworn ; and the constables, if you put them on their oath, will tell you that she did say she could not swear to the watch. None of these keys unlocking the door, how could I open it and lock it again ; I had no instrument to open it with. I hope your Lordship will look into and mind what she says ; for the woman said before that, that the keys were taken from me, and now she says this second time, that I was fumbling them out of my pocket.

The prisoner called one witness to his character.

GUILTY,

Of stealing to the value of 39s.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

174. WILLIAM CARDWELL was indicted for stealing, on the 18th of March last, twelve linen handkerchiefs, value

lue 20s. one cotton counterpane, value 2s. twenty yards of linen, value 21s. and twenty-five yards of printed cotton, value 18s. the property of Duncan Hunter and others.

KNIGHT SPENCER *sworn.*

I know the prisoner Cardwell; on the 18th of March we received information that the warehouse had been robbed, upon enquiry, and found at the prisoner's lodgings, in Red Lion-court, Watling-street (I was was present the whole time), and we found the property mentioned in the indictment in a secret drawer, in a chest of drawers. The prisoner was not there, he was in custody at the time.

JOHN PENNANT *sworn.*

I was not up stairs when the two first pieces were found; they were given to me by Charlton, and have been in my possession ever since; (*Produced.*) They are never sold but upon foreign orders; I have no doubt but they were stolen; and the prisoner confessed it in my presence.

Prisoner. I would be glad to know if the gentlemen can say any thing against my character?—We always looked upon him as an honest man, and he was countenanced by the whole house.

GUILTY.

Fined 1s. and imprisoned six months.

*Tried by the London Jury before
Lord Chief Justice KENYON.*

175. JOHN JOHNSON and FRANCIS POPE were indicted for feloniously stealing, on the 4th of March last, two pair of leather shoes, value 2s. two pair of leather shoes, value 6d. a pair of leather half boots, value 12d. the goods of James Bothway.

JAMES BOTHWAY *sworn.*

I am a shoemaker, I lost these things from Rathbone-place, I was called up by one of the watch, and he told me my place

was broke open, and that they had got two men in custody.

JOHN HAYES *sworn.*

On the 4th of March last I was coming from the watch-house, about a quarter before six, I saw these two men coming as from Mr. Bothway's shop, at the end of Percy-street; I told the watchman to stop them with me; we did, and coming up we found Mr. Bothway's place broke open, and we found upon them in their pocket the shoes; they were all in the pocket of Johnson; nothing was found upon Pope but a knife.

CORNELIUS BIRKITT *sworn.*

I stopped the two men with Hayes, Johnson had the half-boots which he dropped, and an iron crow, and the shoes in his pocket on the other side; I do not know Pope had any thing.

JOSEPH WHITEMAN *sworn.*

Corroborated Hayes and Birkitt's testimony.

PRISONER JOHNSON'S DEFENCE.

I picked them up.

PRISONER POPE'S DEFENCE.

At the time I was apprehended, I was five or six yards from this man; I know nothing of them.

(The shoes produced and deposed to.)

JOHN JOHNSON, GUILTY.

Transported for seven years.

FRANCIS POPE, NOT GUILTY.

*Tried by the first Middlesex Jury before
Mr. Baron HOTHAM.*

176. OWEN MACARTHY was indicted for feloniously stealing, on the 1st of April, one hand-saw, value 5s. the goods of Michael Bradwaith.

MICHAEL BRADWAITH *sworn.*

I am a journeyman carpenter: on the 1st of

of April, Friday, I lost a hand-saw, I was at work with it before I went to dinner, and then left it in my back-shop, in an inclosed yard behind the buildings where I was at work, in the New-row, St. George's; I saw it again, between one and two in the afternoon, at the Roebuck, nearly opposite the building; it was left with the officer at that time.

RICHARD CLARKE *sworn.*

The last witness works for me at the New-row, St. George's; I saw the prisoner come into the building, and look about five or six minutes; I was above in the second floor, I saw him go to this man's bag, and take out the saw; I went down and took it from him, and took him into custody.

PRISONER's DEFENCE.

I went in to ease myself, and the prosecutor took hold of me, and then went to a basket, and took that saw out, and said I wanted to take it away.

GUILTY. (Aged 50.)

Publicly whipped.

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

177. ANN NEWLAND was indicted for feloniously stealing, on the 12th of April, one half crown piece, one halfpenny, and four shillings in money numbered, the monies of Richard Harper, privily from his person.

RICHARD HARPER *sworn.*

I am a porter at Gray's-Inn Coffee-house; about twelve o'clock on Monday night last I was ordered to call a coach at Fullwood's-rents stand; I called a coach, and this person came up to me, she asked me if a gentleman of the name of Mr. Belcher was at our house; I told her he was; she told me he would give her six-pence, for he had always used to do so when he saw her; I

went in to let the person know the coach was ready, and letting the gentleman into the coach, she came by my side; as he had another gentleman with him, he would not then talk to her; one of the waiters ordered me to go for a pot of beer to the Coach and Horses; this girl followed all the way, having hold of my arm; she wanted me to treat her; I would not: she stopped till I came back again, and laid hold of me again; and just as I came home again, I felt her hand in my pocket; I caught hold of her hand, and opened one of her fingers and thumb, and talked to her about the money again; she gave such a squall, and put the money in her mouth; accordingly I took her to Southampton-buildings, and charged the watch with her; some of the money was found on her at the watch-house, six shillings and sixpence halfpenny; four shillings and a half crown piece, and one halfpenny; I can swear to the half crown and the halfpenny; all this money was found in her mouth.

JOHN WINCH *sworn.*

I am a constable; the prisoner was brought into the watch-house this night week, and charged with a robbery by this young man of half a guinea and seven shillings, but sixpence was found in Hand-court, coming up to the watch-house, and an halfpenny; the half guinea was not found. I searched the prisoner, and the half crown and the halfpenny dropped upon the floor, and I caught the four shillings in my hand; it all came from her mouth.

(The money produced, and the half crown and halfpenny deposed to.)

PRISONER's DEFENCE.

I was coming from Lincoln's Inn-fields, and met with a gentleman, who seeing me distressed, gave me half a guinea, and a shilling's worth of brandy and water; coming down Holborn I met with a woman, and we went and changed the half guinea, and I had six shillings and sixpence, and a half-guinea left; after that I met with the prosecutor, and he wanted to go home with me.

MARY

MARY KIMBER sworn.

My husband is a blacksmith; last Monday night between nine and ten I met the prisoner, I believe she is a servant.

Do not you know; is not she on the town?—To my knowledge she is not; she lived in Grafton-street with Mr. Shilling an attorney; I met her the corner of Chancery-lane, on Monday night last, about ten; we drank together and she paid, I saw her have a shilling and sixpence and some more silver; I wished her a good night,

GUILTY, not privily.

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

178. THOMAS otherwise JOHN MACKENZIE was indicted for feloniously stealing, on the 17th of March, four silver table spoons, value 40s. the goods of Fletcher Partis, and one silver tea-spoon, value 18d. the goods of Ann Clarke, in the dwelling house of Fletcher Partis.

FLETCHER PARTIS sworn.

I live in Great Titchfield-street, Marybone; on the 17th of March last I lost four silver table-spoons.

ANN CLARKE sworn.

I am servant to Mr. Partis; on the 17th of March, between two and three o'clock, I was upstairs with my master, all the servants being out; I heard a chink of silver

below in the kitchen, I went down immediately, and saw the man coming out of the place; he appeared quite a stranger to me, and seemed to go through the kitchen; I then seized him, and held him while I called my master down stairs; my master coming down he shewed me to the dresser, and pulled out of his pocket four table spoons. The prisoner is the man we secured; before I went up stairs they were in a large closet.

(The spoons produced and deposited to.)

Mr. Partis. Between the hours of two and three, my servant went down stairs, and called me, and there I saw her seizing the man by the collar; I saw a man out of the window, and beckoned him to come in to assist; when he came into the kitchen, I told him this man had taken out of his pocket four table spoons, and I suspected he might have more of my property about him; and says I, if you will stand by me I will search him; on which I found this tea-spoon in his pocket.

PRISONER'S DEFENCE.

I went to this gentleman's apartments to enquire for a person whom I was ordered to dress his hair, and the servant ran down stairs, and told me she dare say I had taken something.

GUILTY,

Of stealing to the value of 39s. only.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. Baron HOTHAM.*

The next Part will be Published in a few Day

THE
TRIALS AT LARGE

OF THE
CAPITAL and other CONVICTS,

ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,

HELD AT

JUSTICE HALL in the OLD BAILEY,

On Wednesday, the 13th of APRIL, 1791, and the following Days:

Being the FOURTH SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON,

TAKEN IN SHORT-HAND BY

E. H O D G S O N,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

NUMBER IV. PART II.

L O N D O N :

Printed for E. HODGSON (the Proprietor);

And Sold by him, at his House, No. 14, *White Lion Street, Islington*;

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Pater-noster Row.

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[PRICE ONE SHILLING AND FOUR-PENCE.]

T H E
T R I A L S A T L A R G E ,
O F T H E
C A P I T A L a n d o t h e r C O N V I C T S ,
O N T H E

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

179. **SAMUEL PERKINS** was indicted for stealing, on the 17th of March last, a pair of velveret breeches, value 5s. a pair of stays, value 5s. a cloth coat, value 5s. a silk cloak, value 6d. and other goods, the property of John Jervais Wright.

JOHN JERVAIS WRIGHT *sworn.*

I am a chair-maker, at No. 48, Baldwin's-gardens; all these articles in the indictment I lost, part of them were in a deal chest not locked, the rest on the bed in the parlour, on the ground floor; I did not see the prisoner take them, nor on the premises; about a quarter before one o'clock I was alarmed, and missed the things; I saw them first, after they were missing, in the street, in a little girl's hand, whom I have as a servant; my wife took them all of her, and brought them into the house again; the constable Winch has them now, I delivered them to him.

How soon did you see the prisoner after he was taken?—In less than a minute.

THOMAS HOPKINS *sworn.*

I am a baker: I saw the prisoner on a

Thursday come out with a bundle under his arm, I went and asked the servant maid if she had let any body out, she said no; I ran after the prisoner, and he turned the corner; I lost sight of him then, and he threw the bundle down; I passed by the bundle, and pursued the prisoner and took him; he begged of me to let him go, as he was afraid he should be hanged: I believe the brewer's man picked up the bundle, I saw it in the servant's hand in a very short space of time afterwards; the bundle was carried to Mr. Wright's who came out and laid hold of the prisoner, and came along with me for a few yards, and turned back again to fetch his coat, and returned again, and the prisoner was committed.

Who gave Winch the bundle?—The Justice; I am sure it is the same bundle the prisoner dropped, and the same I saw him bring out of the house.

Are you sure that the man you lost sight of, and afterwards took, is the same man you saw coming out of the house?—I am.

THOMAS EADER *sworn.*

I live along with the prosecutor, he is a brewer; as I was coming along, I saw the prisoner

prisoner come out of Baldwin's-gardens, drop the bundle and run along Tash-street, and into Mr. Price's; it was a bundle tied up in a blue and white cloth; I lost sight of him after he was in Mr. Price's, but I saw him drop the bundle right upon the kennel in Tash-street.

What was done with the bundle?—The constable had it, and took it to Clerkenwell-green to the Justice's; I did not see who picked it up.

Did he go the same day to the magistrates?—Yes.

Should you know it again?—Yes.

———— WYNCH *sworn.*

I am a constable, I produce a bundle, (*the bundle produced.*) I got it from Mr. Wright about eleven or twelve o'clock the day the prisoner was taken, and have kept it ever since.

(*Deposed to.*)

PRISONER'S DEFENCE.

I was coming along, I heard the cry of stop thief, I ran after a man who dropped the bundle, and went into an house, and these men came and caught hold of me.

GUILTY. (Aged 18.)

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

180. ALEXANDER WATSON, JOHN PYBUS, and STEPHEN SWINNEY were indicted for feloniously stealing, on the 13th of April, thirty-seven pounds weight of lead, value 30s. the goods of Ann Morgan, widow, fixed to her dwelling house.

ANN MORGAN *sworn.*

I am a widow. Last Thursday morning, some few minutes after three, I was waked by a knock at the door; I threw up the window, and a watchman desired me to see

if I had lost some lead: I looked, and found some lead rolled for to take away, from over the shop window; it was quite cut away, and separated from the house, and wound up in a small compass; and there was as much taken away as was rolled up; I had seen it all safe the same night when I went to bed.

Mr. Peatt, Prisoner's Counsel. You are a widow, and keep a shop?—I do; a leather cutters and curriers.

Did you see whether it was joined to the lead that was left, or separated?—Intirely separated; it came away without the least obstruction; my servant came and took it up.

Court. What light had you?—The watchman put his candle up by the help of a stick, and my servant took it, and delivered it to the watchman.

GEORGE CAP *sworn.*

I am a currier. A little after three o'clock on Thursday morning I got out of window and examined the lead, and it was separated intirely; it was newly cut; I took it in and stamped it, on purpose that I might know it again, with an iron stamp, I. M.

Mr. Peatt. What night was this?—It was a dark night.

Did you take particular notice whether this lead was separated intirely?—I did, by the candle of the watchman.

Who conducts her business for her?—You ask me too hard a question.

You do not conduct it?—I do not.

Neither by night nor day?—I do not.

Court to Mrs. Morgan. Who pays for this house?—I pay myself.

Court to Cap. Was this lead cut strait, or in and out?—It was cut strait.

Did you feel or examine the thickness, either by your eyes or fingers?—By both; and I believe it is the same; I laid it all down, and it exactly fitted.

JOHN CRUTCHFORD *sworn.*

I am a patrol of St. James's parish. My partner and I was going along on Thursday morning,

morning, we made a halt, and saw a man within two doors of Mrs. Morgan's; we made a run, and seized him by the collar, and the other two came off the house; they jumped down, I saw them; and they ran from the house; Swinney was the man I came up to in the street, and stopped him, and he never got out of my hands; the others ran; my partner took one half way down the street; and he called to the watchman, and he stopped the other; I lost sight of them when they turned the corner.

Was there light enough for you to know the same men, and are you sure that they are the same men you saw in the house?—I can, from their dress; I saw them in custody in less than a minute.

How did they get down?—Down by the spout and rail; we took all three to the watch-house, and came back again to Mrs. Morgan, when we found there was a piece gone, and a piece rolled up.

Mr. Peatt. You have told his lordship that you saw them coming down by laying hold of the spout, then you did not see the rope that was hanging down?—There was no rope there.

How high was it from the ground?—About ten feet.

Did not one let himself down by his hands?—They came nearly down both together, as nigh as I can guess.

Prisoner Swinney. Did you see me near the place?—I did.

I would wish to ask whether you saw me run or no?—I cannot tell that particularly.

Peatt to Crutchford. What distance from Mrs. Morgan's house might you be when you took Swinney?—About eight or ten yards.

He is a young man, rather strong?—He is rather strongish.

You was using your hands very attentively with reference to him, and your eyes with reference to the other two?—I did.

What sort of a light did you use at this time?—We carry no light.

What time was this?—About half past two.

Then the lights in the street were almost out?—No; there were people about to light them.

However that might be, you say that the two men, that were ten yards from you, you could know them again?—I have spoke nothing but the truth.

No; I do not doubt that; but you may be mistaken of men that you did not see come back for a pretty length of time?—I am certain they are the men.

What circumstance has led you to suppose they are the men? had they round hats or cocked ones?—Round ones.

Prisoner Watson. Please you, my lord, I had a cocked one all the time.

JOHN PATRICK *sworn.*

I am a patrol. About half past two in the morning my partner told me he saw a man standing down the street; we went down, and Swinney made towards us; I stopped him, and asked him what business he had there? he said, he was a gentleman's servant out of place, and lived in Tottenham-street; just as I had said the word I heard a rush, and saw two men come down the wall of Mrs. Morgan's house, and run down Queen-street; I ran after, and caught them about the middle; I stopped Watson, and called out to the watchman to stop Pybus; I saw him take him; we carried them to St. James's watch-house; we found two knives on them; and we made a charge of them on suspicion, and came back to Mrs. Morgan's house, and called her up.

JOHN CROWDER *sworn.*

I am a watchman. About half past two I heard a rattle spring; I went and assisted to take these men to the watch-house; the three men at the bar: I saw two knives taken from them; after which we went to Mrs. Morgan's, and saw the lead cut, and the parcel of lead rolled up: we knocked at her door, and found the lead was cut.

The prisoner Watson called one witness, who gave him a good character; and the prisoner

prisoner Pybus called four witnesses, who gave him a good character.

ALEXANDER WATSON } GUILTY.
JOHN PYBUS — } (Aged 19.)

Transported for seven years.

STEPHEN SWINNEY, NOT GUILTY.

Tried by the first Middlesex Jury before Mr. RECORDER.

181. JOHN PORTER was indicted for feloniously stealing, on the 14th of March, a brick-maker's trough, made of iron, value 2d. two iron pitch-forks, for grains, value 2d. an augur, value 1d. a bushel of coals, value 12d. an old sack, value 6d. the property of William Whitehead.

WILLIAM WHITEHEAD *sworn.*

I am a farmer at Greenford: the prisoner was my labourer. I lost the things mentioned in the indictment; and the prisoner ran away into his own country; and the next day I got a search warrant, and found them at his house; his house joins to mine within two doors; the constable took them from the stairs.

Prisoner. I brought them from my master to clean them.

THOMAS NICHOLS *sworn.*

I saw the trough in the possession of the prisoner for this twelvemonth; and he said it was his own.

Prisoner. That young man and me had been turning dung together; and he left the trough at my house.

Court to Nichols. Did you leave any thing with him?—It is false.

GUILTY. (Aged 24)

Tried by the second Middlesex Jury before Mr. Justice HEATH.

NUMB. IV. PART II.

182. JAMES TOMLINS PRITCHARD was indicted for feloniously stealing, on the 26th of February, a silver watch, value 30s. the goods of Alexander Young.

ALEXANDER YOUNG *sworn.*

I gave my watch to clean to Willian Beadle in Little Ruffel-street, Covent Garden, No 33; I received it from the woman of the house where it was stolen from, the watchmaker's, on the 26th of February; I gave it them on the 23d of February.

ELIZABETH BEADLE *sworn.*

I am sister to the young man who had the watch to clean; I saw it taken out of the shop; I cannot tell what day of the month, but it was on a Saturday; the young man came into the shop, and told me my brother wanted a screw-driver, and not knowing the man I did not believe the story; immediately on this the prisoner pulled out the drawer at my brother's table, in which was a watch and a pair of silver cases beside; he took the watch up, I told him he had got a watch; he gave me a push from him and went out, and I gave an alarm, and in about ten minutes he was brought back; the prisoner was a stranger to me before that day, but I have no doubt but he is the same; the watch was likewise brought back by a person who picked it up in the street, whose name is Robert Dove, and delivered it to me.

Is it the same watch delivered to you as was taken by the prisoner?—I do not know the watch.

WILLIAM BEADLE *sworn.*

On Saturday, the 26th of February last, I was with Mr. Young, and coming to his house I saw a parcel of people at his door. When I went in I was told I had been robbed of a watch; my sister said, I have got the watch, she shewed me it immediately; I said, this is Mr. Young's watch which I had to repair: I had repaired the same watch for Mr. Young, about a year ago; the watch was delivered to Mr. Young in my presence, and Mr. Young produced it at

B

Sir

Sir Sampson Wright's office. I found the box and case much bruised, and the glass broke. The prisoner was taken to Bow-street that same night.

Where did you see the man when you came home?—In my sister's shop, in the same place where I work.

Can you tell me where the watch was before you went?—It was in my drawer, and there was another watch in the same drawer, separated, which I had not repaired.

What time did you go out?—About a quarter before six.

Are you sure that when you went out, that watch was in that drawer, and that the watch given you when you came home, was the same left in that drawer?—I will take my oath of it.

Was any body present in the shop that see this watch delivered to you?—Yes, the two witnesses, the man that took the prisoner, and the man that picked up the watch, were both in the shop at the same time.

JOHN JONES *sworn.*

I am one of Sir Sampson Wright's patrol; going out about six o'clock in the evening, and going up Russell-court, I heard the cry of stop thief; I turned my head and saw a number of people, and saw the prisoner running; I went after him and caught him, he was running through Russell-court; I enquired the reason of stop thief being called out; they said he had stole a watch; I took and searched him, and found nothing upon him; I took him to the house of Mrs. Beadle, and she said she had lost a watch, and I took him before Sir Sampson. In about five minutes after I was at Mrs. Beadle's, Mr. Dove brought the watch in. I am sure that is the man I stopped.

ROBERT DOVE *sworn.*

I am a newsmen; I picked the watch up about six o'clock in the evening, in Russell-passage, it laid out of its case; Russell-passage leads from Drury-lane to Bridges-street. I took the watch to the house, and gave it to Mrs. Beadle herself; I heard

an alarm of stop thief; I saw people running.

Prisoner. Did not you see me and another man exactly running together?—I saw two men running, but I cannot tell who they were.

Court to Young. What was done with the watch after it was brought into the house?—It was given to Mrs. Beadle, and she gave it to me, and I have kept it from that time to this.

(The watch produced and deposed to.)

PRISONER'S DEFENCE.

My Lord and Gentlemen: I am to prove, as far as lies in my power, the villainy of this indictment. I had absented myself from my master's service, and I got into liquor; I accordingly repaired to the house of Mr. Sessions, the King's Arms in Great Russell-street, for a lodging; they could not give me one: I immediately repaired to the Brown Bear in Bow-street, where I got a lodging. On Saturday morning I got up and called for three halfpenny worth of purl and gin; I sat down drinking it, and reading the paper, and the prosecutor came in, and asked me to let him see the paper when I was done, which I did: accordingly he told me I appeared to him very much like an honest man, and that he wanted a person to do an errand for him. He immediately told me he had a watch sent him to repair, by a person of the name of Sophia Johnson, who lived in Duke's-head-court. He told me further, that he himself had great reason to believe, that this watch was stolen; and that if he could prove its being stolen, he meant to take the greatest act of justice, which lay in his hands to do. He said the watch wanted a gold basin, and a gold minute-hand; and that he wished me to go with a lie in my mouth to call at the house of this Sophia Johnson, and ask for her; I went there, and they told me she was out of town; I was to tell her that I was the son of the watchmaker, and that the man who was there repeatedly was only a journeyman. The people told me she

she would not be in town till Monday; and on speaking to the woman about the watch, she said she knew Sophia Johnson came honestly by it, and as such would be very much obliged to me, if I would not let that black looking thief come there any more, meaning Mr. Beadle. I went back to Mr. Beadle, and told him what was said; accordingly he took me to the Brown Bear, and there was there two or three men of Sir Sampson's officers at the time we went in, I told them what I had been about; and they told me he had been repeatedly making an affair of this watch, and that he had got some fool or other to go there; for no wise man would take it up; at this place I called for another pint of beer; he took me from there to the Crown in Marybone-court, in the Strand, where he took me to a house, where we might find some common women, and there was two or three sailors; he immediately asked them if they knew the name of this person who had sent him this watch, and he told them they had sent it him by the name of Elizabeth Head; they told him the name of the person was Sophia Johnson; we had two or three pints of beer there, I paid my share; I went from there with him to Mr. Brown, and searched the books, to see if he could find who had lost this watch; he went from there to a pawnbroker's, and from there to Sir Sampson Wright's office; they told him he had been there before, and what was the use of coming there so often: from there we went together to the corner of Princes-street, Drury-lane, from thence to the corner of Little Ruffel-street; and from there he took me over to his own house, and shewed me this watch, without its gold bezel or gilt minute hand; and said, that if he could bring the woman to justice, undoubtedly the watch would be his own, and he would make me some recompence for my trouble. From that we went to the Brown Bear again, and we had a quarrel about the watch; and I told him I was a man of no principle if I would hurt a woman, and that if so be the woman required any defence from me, I would immediately appear against him: I

stepped into the public tap-room; at the next door to the tap-room was a butcher's, I stepped out and got some stakes, and had them for my supper: accordingly, after he called for a pint of beer, he wanted to make it up, and I would not; and there came in a man, and they seemed to discourse a long time together; after that he rather prevailed on me, and we were good friends again: I accordingly drank with them, and there was another man with them; he said he wanted to go to Vauxhall, and went out after whispering to this man, and brings in that gentleman with the brown coat (Mr. Young) and sits with him down in the box, and they had a pint of beer together; he then calls me to this man, and after a long preamble with them both about America, he told me this man had got a watch which he was repairing, and sent me home for a screw-driver, persuading me it was to repair that watch there. On going into the house, I asked Mrs. Beadle if she had got a screw-driver to send to her brother; without any hesitation, or looking at the drawer, she told me she had lost a watch; I immediately ran after the man, and a gentleman who is a patrol came and seized me, and detained me. That is the only defence I can make, which is true.

Court to Beadle. Is this true, which the prisoner has been saying, about your being together that day?—I saw him at the Brown Bear that morning, and I sent him to ask for Sophia Johnson; but he was not with me in the company of Mr. Young, nor did I send him for the watch.

Had you received the watch from Mr. Young that day?—I had had it in my possession three days.

Are you very sure that you never sent him with any message whatever to your sister?—I never did; what he has said about that is false: upon my oath, before God, I sent him in no respect on the face of the earth.

The prisoner called four witnesses who gave him a good character.

GUILTY. (Aged 22.)

Tried by the second Middlesex Jury before
Mr. RECORDER.

183. WIL-

183. WILLIAM CHAPMAN was indicted for feloniously stealing, on the 21st of January, four hundred pounds weight of lead, value 40s. from the parish church of Stepney, belonging to Robert Hughes, John Ran, Isaac Graham, William Watson, and Richard Goby, then being the church-wardens of the said parish.

A second count, laying it to be the property of the parishioners of the said parish.

A third count, laying it to be the property of the Rev. Thomas Braithwaite, Clerk, the Rector of the said parish.

(*Mr. Garrow opened the case.*)

SARAH BRADLEY *sworn.*

I am sextoness of the parish of St. Dunstan, Stepney; on the 21st of January, two men came to me for the key of the church, to mend some leaks on the lead; I asked them whom they came from; they said from Mr. Meadows, the plumber, and that they should come the next morning for it; I told them they might have it as soon as it was light; they did, and I gave the key, and they brought it back again at night, about five in the evening: and on the next day, Saturday morning, they came again for it, and I gave it them then, and about the hour of four or five, they brought it me again on Saturday afternoon, and then said they were done. I did not hear any lead was taken away till the 30th of January; I cannot swear to the men, they were dressed very smart, in long coats, clean shirts, and very tidy.

EDWARD PORTER *sworn.*

I am a plumber and glazier; on the 21st of January I was at work on the top of the Ship at Stepney, facing the church; I saw two men on the top of the church pulling at something, as though it was the lead; the church parapet raises about four feet, I saw their backs, and when they saw me, they appeared to use a rule as if measuring the lead; I went down, and said, there are two men on the top of the top of the church, doing something they

should not do, it is fit somebody should go to them, and the grave-digger went to them, and brought them into the public-house; I am sure the prisoner is one; they said they worked for Mr. Meadows. Whilst these two was there, my iron was in the fire; observation was made that they were going to prayers; one of them said, that makes no difference, we can go to work; so they went on the top of the church again.

How soon afterward did you see the prisoner after he was apprehended?—It was about a fortnight ago.

How long did you stay in the public-house with them?—About ten minutes, or a quarter of an hour.

Had you ever known them before?—No, I had not known them, but I have seen them.

SARAH HERBERT *sworn.*

I am one of the pew openers of Stepney Church; on Saturday the 22d of January, I met the prisoner in the church, he told me he was a plumber. When I came back to do my work, he was out, and was gone from twelve to one; the prisoner came to my door and asked me for that key to go out; I told him I would not. From curiosity I went up to see what way the church was made; and I saw a chopper like a sugar chopper, and looked about for the prisoner, but could not see him there; on Sunday week following I heard there was four hundred pounds weight of lead gone.

EDWARD MATTHEWS *sworn.*

I am a grave-digger; I was up in the steeple chiming the bells, I cannot say to the day; the prisoner came up into the steeple, and said he had been at work on the top of the church, and wanted to go up to the top of the steeple, to see if there was any work to be done there: I let him go up; he came down again in a few minutes afterwards; says I, young man, is there any thing wanted to be done on the top? no, says he, it is all tight, and clever, and neat: I also saw him at the Ship, and am sure he is the man.

JOHN

JOHN MEADOWS *sworn.*

I do the business of the church as a plumber; I know nothing of the prisoner at the bar, nor did employ him on the 21st of January, nor any time else.

JOHN JOHNSON *sworn.*

I am partner with Mr. Meadows; the prisoner was never employed by me nor Mr. Meadows, to my knowledge, nor were any of my men employed at that time about the church. I went up on the church, and by a calculation I had made of it, there appeared to be three or four hundred pounds weight of lead missing, the value of which must be upwards of three pounds, taken from the body of the church. I did not go upon the steeple.

Mr. Knowlys. Did you take particular notice, whether this was taken from the body of the church or the chancel?—From the body of the church.

How long before that time had you seen the church?—About twelve months.

Mr. Garrow. Were any repairs done to the church in the last ten days?—No, none.

Court. Could you discover whether this lead had been recently taken away, or been lately cut or torn?—I cannot answer, it was taken away from where it lapped over.

Will not lead carry an appearance of being cut, when it is done lately?—Not when it is lapped over.

ROBERT NEWELL *sworn.*

I am one of the beadles; I went up and found it just the same as Mr. Johnson represents it.

Mr. Knowlys. When did you see this lead before?—I do not know that ever I was on that part of the church before in my life.

ROBERT HUGHES *sworn.*

I am one of the church-wardens in January last; the others were John Ran, Isaac Graham, William Watson, Richard Goby.

WILLIAM READ *sworn.*

I went up to the top of the church and

found the lead recently cut, by the brightness of the lead; they took some from the top, where the rain would have come in.

Did you point out that to Mr. Newel?—Yes, we both remarked it; Mr. Newel has forgot it at least. I never saw this man till I saw him before the Justice.

GODFREY HOLDWORTH *sworn.*

I work for Mr. Porter, and was at work with him, and saw two men working on the church; the prisoner was one, pulling and hauling the lead, as if he wanted to divide it asunder; I saw him also in the public-house.

Mr. Knowlys. You did not go on the church?—No.

GUILTY. (Aged 23.)

Tried by the first Middlesex Jury before

Mr. Baron HOTHAM.

184. **WILLIAM GLISTER** was indicted for feloniously stealing, on the 23d of February, two muslin aprons, value 9s. two linen shifts, value 5s. one guinea and an half in gold, and three shillings and sixpence worth of halfpence, the goods of Ann Dunnahaugh, in the dwelling-house of Peter Caveneau.

ANN DUNNAHAUGH *sworn.*

I am a servant at Mr. Peter Caveneau's, and lived with him at the time of the loss of these articles, which was on Monday the 28th of February, when they were taken out of my room where I slept, from a box; the box was locked, and the key lay on the top of the box; it hung to a string, but not tied to the box; on Sunday night I put sixpence in halfpence among the money in the box, and on Monday morning I had been robbed; I got up between six and seven, but did not then look at the box, and left two of my master's daughters asleep in bed; when they came down between eight and nine in the morning, they told me that they saw Glister naked come to the box; in consequence

sequence I went up and missed the things; I missed two muslin gowns, two linen shifts, one guinea and a half in gold, six shillings in silver, and eighty-four halfpence. I had seen all the things in on the Sunday night; the prisoner was let to lodge there a few nights, because he was in distress. My master keeps a public-house, the sign of the High Flier, the corner of Berwick-street.

MARY CAVENEAU *sworn.*

I am the daughter of Peter Cavenau; I sleep with the servant, I was in bed, and waking, I saw the prisoner in the room at the box, between eight and nine o'clock in the morning; I see one hand in the box, and the other holding the lid up; he frightened me so, I am not sure whether he took any thing out or no; I asked him what he wanted; he said he wanted a comb; I told him the soldier had plenty of combs, so he walked out of the room; and I saw him no more till the 8th of March; I got up and dressed myself, and went down directly, in about ten minutes, and told the servant of it, and she went up directly. The prisoner was in his shirt in my room.

JOHN PERKINS *sworn.*

I am the foldier that was billeted at this house; this William Glistler is the man that I asked leave of my landlord to sleep with me; he is a coachman, I have known him two years; the prisoner slept with me that night, I was upon duty the next morning, and left him in bed; I returned home about eleven, and was accused as a confederate; upon that I was cleared by what the girl said, and on the 8th of March I took him up myself; I told him he must go with me to clear me at my quarters; he said he would come in the afternoon; I told him he must go immediately, and brought him and delivered him into the hands of the officer.

PRISONER'S DEFENCE.

It is a common lodging house, where there are many lodgers besides me every night.

Jury to Perkins. How near is your room to the girls?—On the same floor, the rooms are opposite.

GUILTY. (Aged 20.) 39s. only.

Tried by the first Middlesex Jury before Mr. RECORDER.

185. **ROBERT SMITH** was indicted for that he, on the 20th day of September, not having the fear of God before his eyes, but being moved and instigated by the devil, did feloniously make an assault on William Johnson; and did strike kick and beat the said William Johnson, with his hands and feet, on the head, breast, back, sides, and other parts of his body; and that he, with felonious intent, did cast and throw the said William Johnson on the ground, with great force and violence, giving to the said William Johnson, as well by striking, kicking, and beating, as by the throwing and casting him on the ground, several mortal wounds and bruises, by which the said William Johnson, from the said 20th of September did languish, and languishing did live to the 21st of the said month, on which day the said William Johnson did die.

He was charged with the above murder in a second count, by the coroner's inquisition.

WILLIAM READ *sworn.*

I know the prisoner Robert Smith, and I knew William Johnson; I remember there was a match made for them both to fight, and then the money was withdrawn; and afterwards there was another match made, but I cannot say for what, and they fought, and Robert Smith was the conqueror; I saw the battle, I saw no foul play made use of; it was what they call fair fighting, as far as I saw. When Johnson came in after the battle, he seated himself on a man's knee, and dropped down from his knee, and was put into a coach.

Mr.

Mr. Knowlys. I believe Johnson was the better man of the two?—There was no great deal of difference in strength.

Court. Did not you know that the deceased and the prisoner had had some words before this?—They said they would fight, each one, I believe; they fought for three guineas.

LUKE PRIAL *sworn.*

I knew William Johnson in his life-time, and I know the prisoner at the bar; I heard William Johnson mention that they were to fight, a fortnight before the day; that he should like to fight the prisoner.

Was there any quarrel; why should they like it?—I do not know: I saw them fight; they fought about thirty minutes.

What was the event of the battle?—Johnson was very much hurt and beat; but there was no unfair play, or unfair practice.

Mr. Knowlys. Johnson thought himself a very good fighter, and therefore he wished to beat him, thinking himself a better fighter than this man?—Yes.

WILLIAM LIGHTON *sworn.*

I knew Johnson, the deceased, and am very well acquainted with the prisoner at the bar; I saw them fight.

Did you see any unfair play?—I saw Robert Smith give blows below the waist-band of the breeches, and Johnson was beat.

THOMAS SANDYS *sworn.*

I am a surgeon, and was called in to the assistance of the deceased, Johnson; I found him quite senseless, and very much bruised about the breast, neck, and head.

Did you observe any blows on the private parts?—No, there were none; I am very certain there were no marks there.

What was the occasion of this man's death?—On opening the skull, I found a great quantity of extravasated blood, which issued from a blood-vessel.

Was there any fracture of his skull?—No: that extravasated blood might have

happened by a fall; but I rather suppose it might have been in consequence of the blows he received on his head in fighting.

Prisoner. I leave it to my counsel.

Mr. Knowlys. My Lord, I have a great number of witnesses to prove there was no foul play, and that he is a good-tempered fellow.

GUILTY of Manslaughter.

Imprisoned twelve months, and fined 1s.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

200. **ROBERT HARCUMBE, JAMES BEALE, and CHARLES BEALE**, were indicted for feloniously stealing, on the 9th of March, ten iron bars, belonging to the Most Noble Hugh, Duke of Northumberland, affixed to his dwelling-house at Sion.

CHARLES LATHUM *sworn.*

I keep the Queen's-head, at Knightbridge. On Wednesday, the 9th of last March, I saw the prisoners passing my door, in company together; one had a bag on his head (Charles Beale), with something in it; I gave notice to Mr. Fenn, the constable, and in the space of five minutes he took him into custody; the bag was examined, and I saw ten iron bars; I secured one of them.

WILLIAM FENN *sworn.*

I am the constable of Knightbridge: I stopped the prisoners, and asked Charles Beale what he had got on his head; he said, What is that to you? it was nothing: I took it from them, and secured the lads; they all said they had got nothing they were afraid of: I found ten iron bars, and three pieces of lead. (*Produced.*) I found nothing upon them else but a knife: I took them to Justice Bond, and they were committed.

What time of the day was this?—Between eight and nine in the morning.

Did

Did you ever go to the Duke's seat, and see if any thing had been missed?—I did, and found all these bars missing.

ISAAC HOOSEBY *sworn.*

I am a carpenter; I believe them to be the Duke's property; I put these all into the fence, and they fitted.

MAURICE MORRIS *sworn.*

I am a labourer. On Wednesday, the 9th of March, about a quarter before six in the morning, I met Charles Beale and Robert Harcombe in a path that leads from Isleworth to Brentford-road; I saw James Beale inside a tree in Sion-park: when I got into the park, I said to Hyde, there is the other brother behind the tree, James Beale; so we made a full stop; and when he saw that, he went to the other two, with a small bundle under his arm; I went on to my work, and saw no more of them.

JACOB HYDE *sworn.*

I saw Robert Harcombe and George Beale walk up the path together, as Morris and I were going to work, and saw James Beale behind a tree; says I, Morris, let us give a bit of a stop; upon which he went out of the park: I am sure they are the same as we saw about a quarter before six in the morning of the 9th of March.

To Mr. Hooseby. How far from the gate might these things be taken away from where these two witnesses saw the three prisoners?—About 100 yards from where he might see the men.

Is the railing fixed to any building?—It is fixed to a lodge inhabited by the steward.

ROB. HARCOTTE'S DEFENCE.

We were all three of us coming up to London to look after work, and we picked them up along-side of the road.

BELL *sworn.*

I am steward to his Grace of Northumberland; the lodge is used with his mansion, and connected with it by a wall as well as by these rails.

JAMES BEALE'S DEFENCE.

We found them along-side of the road.

CHARLES BEALE'S DEFENCE.

We saw them lay along-side of the road.

ROBERT HARCOTTE,
JOHN BEALE,
CHARLES BEALE, } GUILTY.

All transported for seven years.

Tried by the second Middlesex Jury before
Mr. RECORDER.

201. JOHN MOSS was indicted for feloniously making an assault, on the King's highway, on John Charlton, on the 26th of February, putting him in fear, and feloniously taking from his person, and against his will, one man's hat, value 8s. the goods and chattels of Thomas and James Ivory.

JOHN CHARLTON.

How old are you?—Fourteen, the next June.

Do you know the nature of an oath?—Yes.

What is it?—To speak the truth.

Suppose you should not speak the truth, what will become of you?—Go to hell.

JOHN CHARLTON *sworn.*

I was going with some hats home; the prisoner met me just beyond Shoreditch church, in the highway, between six and seven at night; I was resting myself on the steps, and the prisoner asked me where I was going; I told him I was going rather higher up; he asked me whether he should carry one of the hats for me; they belonged to James Ivory; I was carrying them to deliver them to the customers; I told him I could carry them myself; he said he could carry one for me, as he was going up to Hackney, and I gave him one: we went on till I came to a gentleman's house, where I was to deliver a hat; I took the hat of him, and delivered one, and came down;

down; and he asked me again to carry one, and I let him carry one; we went on till we almost came to Hackney turnpike, and then I asked him for the hat again; he opened the box, and I laid hold of the brim of the hat, and he laid hold of it too, and he pulled it away, and ran away, and I called out, stop thief! then four men came up to me, and asked me what was the matter, and I told them; about a week afterward, he was taken: I am sure it is the boy; I have seen him before, but never was acquainted with him.

JAMES IVORY *sworn.*

The last witness was my servant: on the 26th of February I sent him to Hackney with some hats, and he returned very soon after, and informed me he had one stolen from him.

JAMES PARKER *sworn.*

My master, Mr. Ivory, sent me to the White Bear, Barbican, to carry a hat, and I saw the prisoner behind a coach, about a fortnight after the hat was lost; he asked me if we had not a little boy lived at our house, named Jack; I told him yes; he asked me if he had not lost a hat, and I told him yes; he said he met him one night in Hackney-road, crying, because he had lost a hat; and then he said he had took it, as he had a warrant served on him, and wanted 7s. to make it up, and asked me, if I saw him come into my master's shop, whether I would stop him; I had known him before about Shoreditch, and he had been at my master's shop for a hat he had dressed there; as soon as I went home, I told my master, and he was taken up in consequence.

PRISONER'S DEFENCE.

I have witnesses who will prove I was at work on the same day.

MARY SHEARMAN *sworn.*

Court. Now, before you begin, take care what you say; for if you say any thing that these gentlemen do not believe, you will

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render this boy's case worse than it is.—I know the prisoner at the bar to be an hard-working boy; he was bound 'prentice to a weaver; his master was pressed; and lately he hath sold brocoli, and such things, about the streets; but I know nothing of this business.

ELIZABETH IZZARD *sworn.*

I never heard or knew any harm of this boy in my life; he came of honest parents.

GUILTY (aged 14) *of the larceny only.*

Transported for seven years.

Tried by the second Middlesex Jury before
LORD KENYON.

202. **JOHN LEWES**, alias **WILLIAM JENKINS**, was indicted for feloniously stealing, on the 19th of February, one fur-tout coat, value 12s. two pair of velvet breeches, value 10s. one pair of cloth breeches, value 3s. and other goods, the property of Charles Pelton.

CHARLES PELTON *sworn.*

The prisoner worked for me; I am a tailor, at Old Brentford, in the parish of Ely: on Friday, the 18th of February, he left my shop; on the next morning I missed the things mentioned in the indictment; I had seen them the night before; Thomas Smith has them now.

THOMAS SMITH *sworn.*

I am a constable; I produce a coat, and two pair of breeches; the prosecutor delivered them to me, and they have been in my possession ever since.

Court to Mr. Pelton. Where did you receive these clothes?—From Mr. Wooding, Drury-lane, pawnbroker.

THOMAS SAUNDERSON *sworn.*

I am Mr. Wooding's shopman; I gave a coat and two pair of breeches to the prosecutor, on the 19th of February; I took

D them

them in of the prisoner; he pawned the coat for 12s. and the breeches for 6s. he took the coat off his back.

Prisoner's Counsel. You do not know that that was the coat you delivered to the prosecutor?—As nigh as I can say they are; but it is impossible to be positive: I had seen the prisoner several times before: I gave him the duplicate in the name of William Jenkins.

(The clothes deposited to by Mr. Pelton.)

Counsel to Mr. Pelton. When did you miss the things you are speaking of?—On the 19th of February, the next day after he left me.

The prisoner called three witnesses, who gave him a good character.

GUILTY.

Imprisoned six months, and fined 1s.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

203. JANE MARDAY and HANNAH FISHER were indicted for feloniously stealing, on the 29th of March, a pair of leather boots, value 21s. the goods of Thomas Bushel.

THOMAS BUSHEL *sworn.*

On the 29th of March, I lost a pair of boots from my shop, between the hours of twelve and one at noon: about two hours after, upon enquiring at the pawnbrokers and boot-shops, I found them stopped in Rosemary-lane, at a boot-shop (*the boots produced*), with the name cut off.

ROBERT JONES *sworn.*

I am a shoemaker, in Rosemary-lane, in the county of Middlesex. About twelve o'clock, or half after, on the 29th of March, these two girls, the prisoners, came by, and offered these boots for sale; I suspected them to be stolen, and stopped the boots, but not the parties, as I knew them; they deal in old things, which they

buy about town: I sent all round the neighbourhood, to see if any one would own them.

PRISONER'S DEFENCE.

I deal in changing for old clothes: coming from Deptford over London-bridge, I bought the boots of a man for 6s. and I carried them to Mr. Johnson's shop to sell.

JANE MARDAY (Aged 25), }
HANNAH FISHER (Aged 16), } **GUILTY.**

Tried by the second Middlesex Jury before Lord KENYON.

204. JOHN MILLS was indicted for feloniously stealing, on the 25th of February, ten gold rings, value 30s. the goods of Simon Vanderburgh.

MARY VANDERBURGH *sworn.*

I am wife of Simon Vanderburgh; he is a pawnbroker. On the 25th of February, about seven o'clock in the evening, the prisoner came into the back shop (my shop is in King-street, Westminster), and asked me for a ring, larger than what he had in his hand; I went to the shop-window, and reached a card, and laid it down on the counter; he took it up immediately, and ran away; there were ten gold rings on the card; I knew nothing of the prisoner before, but I am sure he is the same person; he was brought in again in two minutes, and the rings came back likewise.

Mr. Knowlys. There is no doubt but this is the man that was brought back?—No.

Did you observe how the man who was brought back was as to liquor?—My husband told me so; I did not see him.

Was the person who came for the ring in liquor, or sober?—I really cannot say.

SIMON VANDERBURGH *sworn.*

I was in the back parlour, to see who Mrs. Vanderburgh was dealing with; I saw him go out, and ran after him, and he ran across,

across, and I took him about 100 yards off from my shop, which did not take up above a minute; he gave me a card of rings, and another.

JOHN TAYLOR *sworn.*

Mr. Vanderburgh delivered the rings to me by order of the magistrate.

(Produced, and deposed to.)

Mr. Knowlys, to Mr. Vanderburgh. Was he not at this time in such a state of liquor as that he could not stand?—I do not know.

Did not he fall down?—He did; but whether it was through liquor, or through kicking his foot against a stone, I cannot tell.

The prisoner called four witnesses to his character.

GUILTY, (Aged 22.)

Imprisoned three months in Newgate, and fined 1s.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

205. **JOHN WADLEY** and **JAMES BUCKLAND** were indicted for feloniously stealing, on the 21st of February, twenty-four bunches of turnips, value 22d. and twenty-four bunches of greens, value 16d. the property of Thomas Webb.

— **TAYLOR** *sworn.*

I am a servant to Thomas Webb; he lives at Fulham, and is a gardener. On the 21st of February he lost about four dozen of turnips and plants, 24 bunches of turnips, and 24 bunches of plants.

Where were they kept?—They were loaded on the waggon, and 24 bunches of coleworts; they were in the same waggon; I gave directions to load them, and raised a stand in the yard to see it loaded; I left it about five or six in the evening, and saw it completely loaded; I placed a man in the yard, to see that nothing was taken out in

the yard, and desired the man to go with me and follow the waggon, which we did: the waggon stopped before it came to Knightsbridge; James Buckland was the driver of the waggon, and Wadley was sent likewise to bring a horse back from Covent-garden: we followed the waggon; and when they got to the half-way house, Wadley got up on the top of the waggon, and the other asked him for the horses meat down: after that, Wadley said he would ride till they came to Knightsbridge, where there is a stand of coaches; at which place the waggon stopped, and Wadley stood up, and began to unload the goods; there were two or three people I did not know carrying away the turnips and plants that he gave them down; I sent the man along with me to stop them another way, to meet them, and went and took Buckland in my arms full of turnips, and desired the other man to come up to my assistance; and we took both to the watch-house, turnips and all.

Had the strange people any thing to carry the turnips away with?—I saw nothing.

Mr. Knowlys. Did you deal with any particular person in Covent-garden, or with any person?—We sold them to any person.

Then these men were intrusted to sell them from the waggon?—No, they are always sold by the salefman.

EDWARD PURDY *sworn.*

I was with Mr. Taylor, and followed the waggon, and saw them unloading the goods; I laid hold of Buckland, by Mr. Taylor's orders, and helped take him to the watch-house.

BOTH GUILTY.

Imprisoned three months in Newgate, and whipped.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

206. **THOMAS TURNER** was indicted for feloniously stealing, on the 7th of April, a pair of plated buckles, value 2s. a steel

a steel watch-chain, value 12d. two gilt seals, value 2s. and two gilt watch-keys, value 6d. the property of William Lee.

JAMES WILSON *sworn.*

I live with William Lee; he lives at No. 71, Oxford-street: the prisoner at the bar came to look at some buckles, watch-seals, and plated knee-buckles: he then asked to look at some silver knee-buckles; and while I was turning to get them, the prisoner was gone: I ran after him, and came up with him, and found the things which he had approved of on him; I took them from him; they are the things I sorted out at his request.

Prisoner. I was very much in liquor.

The prisoner called two witnesses, who gave him a very good character.

GUILTY, (Aged 26.)

Imprisoned six months, and fined 1s.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

207. **JOHN DUKE** was indicted for feloniously and burglariously breaking and entering the dwelling-house of Thomas Margrave, about one in the night, and feloniously stealing therein twenty-four yards of Turkey gauze, value 25s. the property of the said Thomas Margrave.

THOMAS MARGRAVE *sworn.*

I am a dresser and dyer of silk, in Good-man's-fields: the house was not broke open; it was taken from the factory, which adjoins it, a brick building, which abuts to one end, and actually joins it. The piece of gauze that I lost I saw before the magistrates at Guildhall on the 29th of March.

Did you know the gauze you saw there? — I did. There was a pane of glass broke of the factory; I did not see it the night before, nor the pane taken out, till after I returned from the City magistrates at Guild-

hall: the room is a stoving room, where the goods are dried, and that room has glass windows, small panes; and one small pane was taken out, by which they could take away the piece of gauze.

Then you knew nothing of this burglary till after some days, when you was before the magistrate?—No.

What time do they go to work in this factory?—Sometimes at three, but never after five, in the morning; our regular hour of coming away is eight o'clock in the evening; they that belong to this room go away sometimes at seven, eight, or nine, especially this time of the year, when over-work is done: they are hung up here, on tenter-hooks, on one side of the window.

Is it not possible for a man, with a little ingenuity, in the day-time, to break a glass, while your people are at work, and yet they not see him?—They may.

JOHN NEWMAN *sworn.*

I am a constable: on Monday night, the 28th of March, about three o'clock, rather Tuesday morning, going round my walk, I observed the prisoner, in Grub-street, at a door, with a bundle under his arm; I asked him what he had got there; he said, some handkerchiefs; I asked him how he came by them; he said, he gave five shillings for them; I took from him this gauze, and took him to the watch-house, and gave the gauze to Elden; on Tuesday I took him before a magistrate.

Jury. Did the prisoner make any resistance?—No.

ELDEN *sworn.*

I am constable of the night; I received the gauze of the last witness, who brought it to the watch-house, and have kept it ever since; I am sure that is the man he brought in with the gauze.

WILLIAM NEGUS *sworn.*

I was present when Newman took the prisoner with the gauze.

(The gauze produced, and deposited to by Mr. Margrave, who had but four pieces of that kind of goods.)

Was

Was there any vacancy where this hung? —There was: this was the only piece hanging up; I had seen it there the preceding evening; I found it at the magistrates, with my mark upon it.

PRISONER'S DEFENCE.

I came out of the country, and have a wife and four children; she has some friends living in Grub-street; I was coming home to Grub-street from the Borough, and on London-bridge a man asked me to buy this gauze, he asked me 10s. 6d. I told him I had not so much money in my pocket, I had but 5s. I gave it him, and went to Grub-street; my wife was not there; I wanted to get a lodging, but could not; I saw an opening where I thought I might lie down there, where I went to sleep, and these people took me.

GUILTY (aged 22) of *stealing only*.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

208. JOHN SPARROW was indicted for feloniously stealing, on the 31st of March, one silver table spoon, value 10s. the goods of David Thomas.

THOMAS HALL *sworn*.

I live with David Thomas; he keeps St. George's coffee-house: I remember the prisoner being in the box; he had a bason of mutton broth, and a silver spoon with it: he was not gone above three minutes, before I observed this plated one left.

ROBERT LONG *sworn*.

I am a waiter at George's coffee-house. On the 31st of March, the prisoner came in, and asked me what soup I had: I told him; and he desired me to bring him a bason, which I did, and gave him a silver spoon to eat it with; I did not see him go

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away: I saw him at Bow-street the Saturday following.

GUILTY, (Aged 24.)

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. Justice HEATH.*

209. GEORGE PAGE was indicted for feloniously stealing, on the 26th of February, two Bank notes, value 20l. and three Bank notes, value 10l. the property of John Brown.

He was indicted, in a second count, for feloniously stealing a ruled paper book with a leather cover, value 2d. and a bill of exchange, value 20l. bearing date Feb. 22, drawn by Ryley and Fowler on John Fenblaque, the said bill of exchange being the property of John Brown, and then due to him.

JOHN BROWN *sworn*.

Do you know the prisoner at the bar? — Yes; he was in my service on the 23d of February: I am a tea-dealer: I lost two 20l. and three 10l. Bank notes, and a bill of exchange drawn by Ryley and Fowler on John Fenblaque, esq; he lives in Great James-street, Bedford-row, No. 36: I ordered George Page to carry them to my bankers, Messrs. Hodfoll and Co.; they were not delivered; I did not see them for six days; I ordered them to go on the 23d of February; the boy did not return that day; I saw him again on the 26th, at the Rotation-office, Whitechapel, in custody; I had notified my loss at Sir Sampson Wright's office, and bills were posted up.

When you found him at Sir Sampson Wright's office, did you see any thing found upon him? — I did not.

GEORGE WITHERS *sworn*.

I keep a tavern in Goodman's-fields. On Thursday, the 24th of February, the prisoner at the bar, in company with another man, came into my house; after they had been about two hours, they asked the waiter

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to send in the master of the house; I went to them and asked them their business; the prisoner told me he had got some property to deliver into my hands, to take care of for him until morning; he gave me two twenty pound notes, and two tens: I know the name subscribed to the ten pound note, I know is Gethen; on the morning of the 25th, I delivered them to him again; they both stopped in my house that night; in the morning, upon their asking what was to pay, the waiter took in the bill, and they sent out one of the bank notes, which I changed, and took for the reckoning; in the course of the day they returned again, and they delivered me three notes and six guineas in cash, to keep for them until the morning; they staid in the house that night also; in the morning, a man who dresses my hair sent up to me, that he had something to communicate particularly; and he told me he had seen some handbills in the city, that gave a description of the person he had seen in the yard; I desired him to go and tear down one of the bills, and bring it to me, that I might compare it with the notes; while he was gone I fetched a constable and secured him. When the hair-dresser came back, we compared the numbers of the notes, and found them to be the same.

PRISONER'S DEFENCE.

When I had these notes, I chanced to drop them going along, a man picked them up; I asked him for them, and he gave them to me, and looking at them I found one short, and I was afraid to go home.

GUILTY. (Aged 17.)

Transported for seven years.

*Tried by the first Middlesex Jury before
Lord Chief Justice KENYON.*

210. SARAH BEAUMONT was indicted for feloniously stealing, on the 29th of March last, a brass kettle, value 18d. and a bible, value 2s. the property of Richard

Goodman, the elder: a cotton gown, value 3s. a child's cotton gown, value 18d. a handkerchief, value 6d. and other things, the property of Richard Goodman, the younger.

The prisoner was found with the property on her; she nursed the prosecutor, whose wife and daughter were dead in the house at the time.

GUILTY.

Whipped, and imprisoned twelve months.

*Tried by the second Middlesex Jury before
Lord Chief Justice KENYON.*

211. MARY SMITH was indicted for feloniously stealing, on the 21st of February, two linen sheets, value 8s. two curtains, value 8s. a copper tea-kettle, value 18d. the goods of Martha Cartwright, in a lodging-room.

MARTHA CARTWRIGHT sworn.

I live at No. 11, Steward's-rents, Great Wild-street; I let the prisoner my back-parlour that joins to my front-parlour, where I dwell in; she was with me a week and a half, she came to me about the middle of February, and asked me for a room, and said it was for her sister; about two or three days afterwards she returned, and asked me if I had, and said that she was only joking with me in saying it was for her sister; and I let her the room; on the Saturday night sevennight following I found the room pretty nigh stripped; she told me the things were not gone, but only pulled down, and afterwards she told me the things were all in pawn, but she would get them out on Monday morning; I went to the door thinking to get my things safe, and get the key, but I saw her no more till one o'clock on Wednesday morning, when I went to her door, and asked for my rent; she said it was an unreasonable hour, and she would not answer me till the morrow; I found her then laying

laying on the bed in her clothes, and no sheets, nor curtains, nor copper kettle was there, they were all gone: the pawnbroker has them here.

THOMAS ROBERT FORD *sworn.*

I produce two sheets and two curtains; they were pledged to me by the prisoner on the 21st and 22d of February; I had seen her several times before; I gave her four shillings upon the two curtains, one shilling and sixpence on one sheet, and one shilling on the other.

PRISONER'S DEFENCE.

She gave me leave to pawn them; I told her I wanted to raise a little money, and I did not think it would be any hurt.

Court to prosecutor. Did you give her leave to pawn them?—On my oath I did not.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

212. THOMAS ROGERS was indicted for feloniously stealing, on the 9th of April, six wooden chairs, value 21s. the property of John Wright.

WILLIAM WILLIAMS *sworn.*

I live with the prosecutor John Wright; I am a porter, Mr. Wright is an upholster and cabinet-maker, he lives at No. 40, Great Russell-street, Bloomsbury; I went to fetch the chairs that morning from Mr. Bromley, a chair-maker, Hatton-wall, almost opposite Hatton-garden; I picked these chairs out, and tied them up, and took them home; my master helped me to pitch them; I left them between nine and ten o'clock in the morning, on the 9th of April, and I missed them about twelve.

JONATHAN AXTELL *sworn.*

I am a smith, I was out of employment.

He came by, that is, *the gentleman who stole the chairs.* I live at No. 27, Tath-street, Gray's-Inn-lane; I saw the prisoner with the chairs on Saturday last, about ten or eleven o'clock, he had them upon his back, and set them down, and asked for a porter, and I carried them, after first borrowing a knot, into Hungerford-market, No. 7, under the Piazzas, and left the chairs, and went away. I am sure the prisoner is the man.

Do you know the chairs?—No.

Look at them?—These are such chairs as I carried; I can't swear to them.

THOMAS MORGAN *sworn.*

I keep a broker's shop in Hungerford-market; this young man Axtell, and the prisoner brought me some chairs; Axtell carried them, and the other man asked me to buy them; I did buy them, and gave twelve shillings for them.

(The chairs deposed to by William Williams.)

PRISONER'S DEFENCE.

A man asked me to sell them for him, and told me I was not take less than twelve shillings for them; and going along I asked this young man to carry them for me.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

213. JOSEPH PENN was indicted for feloniously stealing, on the 7th of April, a pewter quart pot, value 14d. the property of Christopher Higgs.

CHRISTOPHER HIGGS *sworn.*

I am a publican at Whitechapel, I lost this pewter pot last Thursday sevensnight, 7th of April, from off the tap-room table; I gad seen it there a little time before, and had given my boy a particular account of this Joseph

Joseph Penn; the prisoner was about the house that day; I missed it about three o'clock that day; I found it in his breeches; I let him go out of doors, but I followed him, and never let him go out of my sight; I brought him back, and there was a pot in his breeches; I know it to be my pot, I have lost nigh two dozen.

PRISONER'S DEFENCE.

I am a poor man, I did not do it with an intent to take it away.

GUILTY, 10d. (Aged 54.)

Whipped.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

214. CHARLES TAYLOR was indicted, for that he, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 20th of March last, did feloniously, willfully, and with malice aforethought, make an assault on Winifred his wife, with a certain razor, made of iron and steel, value 2d. which he held in his right hand, and giving her three mortal wounds on the lower part of her belly, of the length of eight inches, and of the depth of two inches; and also a mortal wound on the wrist, of the length of two inches, and of the depth of one inch, of which said mortal wounds the said Winifred his wife did languish, and languishing did live, until the 21st of the same month, on which day she died.

He was indicted a second time for the like murder on the coroner's inquisition.

The case opened by Mr. Garrow.

GRACE JUNOR sworn.

I am wife of Daniel Junor; I live in Hangman's Gangs, in St. Catherine's-lane, nigh St. Catherine's Church; I have known the prisoner at the bar and his wife for these six years, or above; they were neighbours; on Sunday the 20th of March I heard an alarm, and walked down the alley, between

nine and eleven, and saw the prisoner standing upon the side of his own door, and Mr. Thompson and Mr. Allans with him; the prisoner said, Mr. Thompson, the woman is dead, here I am, I resign myself up; I says, Mr. Thompson, do not you think it is fit some woman should go and see in what situation the woman is; I went up stairs half way; I said, I have got a good heart; but however says I to the man who was with me, Frank do you go up first; he went first, and I followed him. The first thing I saw was a razor laying on the bed; I says there is the instrument that hath done it; where is the woman. Frank turned round to the right-hand, to the bed, and says here she is; she was laying at the head of that bed on the floor. I went to her, and says, Mrs. Taylor, are you dead? my dear; she said no: I said I shall take a pillow, and put it under your head; she said, hold my head, Mrs. Junor; the people rushed into the room; she said hush, let me die easy and quiet; I repeated these words to the people, and said go fetch a surgeon for her; I lifted up her shift, and saw her bowels laying on the floor. Immediately one Surgeon Price came; as soon as he came in, he said, O the woman is a dead woman, there can be nothing done: says I, Mr. Price the woman is in a dismal situation; cannot she be moved off the floor? At this time her bowels were laying on the floor, her right arm almost cut off, and the other arm cut about the wrist, and the other parts of her body cut, and her thighs violently cut to the bone, about the middle: I said, you that have a good heart, stay in the room, and let the rest walk out, and let other assistance come in to help the woman on the bed. We got her on the bed, instantly Surgeon Cook came; he said, my dear Mrs. Taylor, as long as there is life there is hopes.

How soon after that did she die?—She lived all night sensible.

Do you think, from that appearance, that she was in a dying state?—Yes, she told us that she was sensible she was dying: I says to the deceased, would you have Mr. Baxter to pray over you? I sent for him, and the gates were shut, it was so late. I looked round

round the room and found a bible, and read to her, that I might be of as much service as I possibly could to her. A gentlewoman, one Mrs. Man, came into the room, and said to her, how did it happen Mrs. Taylor? she said, we had a little drop of something hot, and went to bed, and there was agreeable together; and she said that she did all that lay in her power to please him in bed, when they were connected together; and he said that she could do nothing for him, for on the Friday night she had slipped out of the house, and she had lain with Mr. Walker; he turned his back to her, and she turned her back to him, and prayed that he might go to sleep, and thought that he was asleep: instantly he turned again, and what she told me his words were, I cannot remember; but she got out of bed, to jump out of the window.

Did she say why?—She might say why; but I cannot repeat the words she said; that he came with a penknife and cut her so; I said, my dear, it was a razor; no, she instantly said, it was a penknife. During the reading, I asked her if she would have a little drop of wine; she said, if my wounds were as sound as my heart, I should live yet; give me a little drop. When Surgeon Cook came she said the same as he had said before to me. I staid with her till she died, she was sensible from that time till six in the morning, and about half after six she died.

Mr. Knapp, Prisoner's Counsel. You have been neighbours with the prisoner and the deceased some time?—Yes.

Had you been intimate with them for some time?—Never very intimate, any more than good morning or good evening.

You visited much?—Never, as I know of.

She said that her husband had accused with sleeping with Walker the night before?—Yes.

When they went to bed they were in very good friendship, they bid one another good night, and then turned round: how long do you understand it was that she laid between the time of his turning about, and the time that she got out of bed?—I cannot tell, I did not ask that question.

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When you came first to the house, at the threshold of the door, without being asked, he said that his wife was dead, and that he would surrender himself?—He said, here I am, Mr. Thompson.

You do not know, as you have not visited the prisoner and his wife, what sort of a man he was before?—I have seen her with violent bruises.

Are you able to state, from what you know, whether the prisoner had been at all deranged in his senses?—Never, since he came into the parish, or into London.

Now the poor woman said, and you are sure she said, the wounds were made with a penknife; and when she spoke to Mr. Cooke, the surgeon, she likewise continued in the same story, and said it was done with a penknife?—She did.

MARY FRANCIS *sworn.*

I am a widow woman living in St. Catharine's; I have known the prisoner and his deceased wife five or six years. The deceased was a very sober, honest, industrious woman, worked very hard, was a good wife, and tender mother; I was setting up with her the night she died: about one or two o'clock, while a person was reading by her, and she did not know I was in the room, she called out to me, Mrs. Francis, rub my feet, I am troubled with the cramp; after that we joined in prayer, and praying for the family, she desired me to stop, and wished me to come to her head, and told me, mind what I am going to say to you: I am crossing the water to Jordan, I am not crossing the water in a boat, but taking my steps minutely; I then asked her how the misfortune happened; then she began and told me how they had some words on Friday, that he beat her most cruelly, and she went out, and staid out all night; that she returned on Saturday to make it up, and in the afternoon he wanted to be agreeable, but she told him she could not yield directly to do as man and wife did, in the afternoon, but every thing was very agreeable, nothing passed amiss, they had their diet and tea together,

gether, and they supped at night, and they had a pint of two-penny, and made it hot; after that they read together, and went to bed, and had that together, which man and wife have together; and he grumbled because she was not altogether agreeable to his mind; afterward they turned back to back: she lay still for some minutes, he was grumbling; this while she said nothing: he put his hand outside the bed, and took a knife out of his pocket, and began to cut; after he had cut her, she got out of bed, to the foot of the children's bed, where they lay, to get them to cry out for assistance, and he followed her, and knocked her down; she got up, and got to the window to help herself, and then he knocked her down again, and cut those dismal wounds. After that he turned to go down stairs, and came down three stairs, and went back again to her, and asked her whether she was dead; she said she was not quite dead; he asked her if she would forgive him; she said she would forgive him, but there was a higher power to ask forgiveness of. He then said, as he had had his will of her, he would go down stairs and kill Walker, who lived next door, a man who is a very honest sober man, a good husband, and a tender father; she then desired on her death bed, that as her husband had taken her blood of her, some good Christian might see and take his.

How long after this conversation was it that the poor creature died?—She died at half after six, and this was about half after four; at a quarter before six the doctor came, and she said that she thought the doctor might give her a comfortable draught, as she seemed to want to go to sleep,

Mr. Knapp. When she talked about Jordan, did you think she was then in her perfect senses?—I did.

There had been some words, and the difference between them was perfectly settled?—Yes.

They had been as man and wife, and she had not given him satisfaction, and the prisoner grumbled, and then he put his hand out of bed, and took a knife and cut her?—Yes.

After he cut her he went out, and then returned again?—Yes.

So that there could not a moment elapse before he returned, and then he came round, and then he knocked her down?—No, Sir, you are wrong, he did all his execution before, and returned, and asked her if she would forgive him.

And then he said he would kill Mr. Walker?—Yes.

She mentioned all this to you after she had complained of a pain in her head?—She did.

There had been some ground of jealousy? I believe not.

At least she said he had charged her with it?—Yes, he had.

How long have you been acquainted with these neighbours?—Some time.

Have you visited together much?—No, only as a neighbour.

Mr. Garrow. Mrs. Francis, I suppose this woman used to go to meeting?—Yes, she did.

I suppose so, by this language of talking of going over the river Jordan?—Yes.

PRICE sworn.

I am a surgeon. Between nine and ten, on the 20th of March, at night, I entered the room, and found the woman laying on the floor, with a blanket over her, and a pillow under her head. I turned the blanket aside, and the first thing that came to my view, was three-fourths of her bowels lay on the floor; on this, with the assistance of a couple of women I got her on the bed; I examined further, and found two wounds on the neck, about three or four inches long, and one on the wrist of the right arm, a mortal wound, because it had divided some of the arteries, and a large wound on the fleshy part of the left thigh, pretty near the body, six or seven inches long, and several other wounds, about nineteen in all: after I had been in the room about twenty minutes, I went home, as there was no prospect of my rendering her any assistance, so I gave it up as a forlorn case.

Had you any conversation with the woman;

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man?—She informed me that she and her husband had had a pint of hot before they went to bed, and they went to bed together, and had connection with each other; and after they had been in bed a few minutes, he began to be in a passion, and to curse and swear that he would be her butcher, and told her that such a person gave her more pleasure than he did: she informed him his suspicions were groundless, for she had been serving her maker all the day, for she had been bred to that from her cradle.

Did she tell you how she came by her wounds?—She did not.

———— COOKE *sworn.*

I am a surgeon, I live in St. Catharine-street. I came into the room, (being fetched by the person who took the man) to this woman, who I found laying on the bed. After the other person, Mr. Price, had left her, I examined her wounds, found her in a very bloody state from head to foot; I asked what was the cause of it; they told me it was done by the husband Taylor; the woman's bowels were laying out, I endeavoured to put them in; I was at least an hour employed in this; I found it ineffectual, and she begged she might die in peace. I saw it was to no purpose, for the wounds were such that she must die; I let her alone, from the wounds the abdominal large blood vessels were divided, which was the cause of her death. On her wrist I saw a large artery cut, which would have killed her; I then examined her from head to foot, and found upwards of twenty wounds; I then administered some wine to her, in order to preserve her life, to get from her the cause why this happened; I asked her particularly this, whether she provoked her husband to do this; she said by no means in the world, he was a base man, and had often threatened to do it. I said, Mrs. Taylor, I should have supposed the man to have been mad or insane, to commit such an outrage as he has on you: she said, now believe me, he is not any more insane or mad, no more than you. I told her she must die, and I was very sure her husband Taylor

would be brought to justice; she said she hoped so: she said they had had something hot, and went to bed on Sunday evening, and when they were in bed, she turned her back, as was usual, to go to sleep, and thought he was asleep, and said that he took a penknife (which proved afterwards to be a razor) and cut her across the belly; that she got out of bed, in order to go to the children's bed, which was in the same room, to alarm them, but he got out after her, and knocked her down.

Was you present at the magistrate's?—I was, the last time he was examined.

Did you hear any thing he said there?—I heard him say that he had taken from God Almighty what he could not restore; he was guilty of the fact, and must die; and he did not care how soon.

Was any thing reduced to writing that he said before the magistrate?—Not that I recollect.

Did you either at that time, or any other, discover any derangement about the man?—I never did; I went down to the watch-house after I had left the woman; he had not then gone to prison, I had the curiosity to see if he was or not insane. I saw no symptoms of insanity about him; he seemed very much distressed in his mind, but never uttered any thing that led me to suspect he was insane.

Mr. Knapp. At the time you addressed yourself to the woman, you certainly entertained some idea that he was insane?—Before I saw him, I did; I said I should suppose within myself, that he should be insane to commit such an outrage.

Mr. Garrow. Then it was your comment on such a violent act?—That is all.

JOHN THOMPSON *sworn.*

I am an headborough. On Sunday night, March the 20th, I went to Taylor's house, he was standing at the door; the people told me that was the house, and that was the man. Mr. Thompson, says he, you may come in, it is over, my wife is dead. I immediately took hold of him; he says, you need

need not take hold of me, I will not hurt any one; I ordered two men to lay hold of his hands; both his hands were all over blood; they took hold of him; I took a candle in my hand, and went up stairs, and there I saw his wife lying down on her right side, between the bed and the window.

Did you see any instrument?—Yes (*two razors produced bloody*), I found these two razors: I took him into custody, and took him to the watch-house; I thought his wife was dead: we had a surgeon there in about five or six minutes, and he said she was not fit to be moved: I took the prisoner in a coach to New-Prison: before we got to the watch-house, I asked him how he could do such a thing; he said, it would have vexed any man to have his wife out all night, and sleep with another man; and he said he was sorry she was not quite dead. After he was inside New-Prison, I told him I fancied he would never see his wife alive any more: he asked for some water; the keeper said, there was a water-cock, he might get some: we turned the cock, and he washed his hands, but did not drink any.

Mr. Garrow to Mrs. Francis. Where did you find that razor?—I went to stoop to take some things away, and it fell plump on me out of the window, close by the bed where the prisoner and his wife used to lay.

Mrs. Jones. The razor without the handle I saw laying on the bed.

ELIZABETH HUNT *sworn.*

On the Friday night preceding this affair I saw the deceased at my sister's house, and she slept with me at my lodgings; I went with her the next morning, between eight and nine o'clock, to her home; I saw the prisoner first, and told him his wife was very ill, and asked him to forgive her; he said, yes, he would; I went home with her myself; he shook hands with her before me, and said all was done with.

HANNAH MAN *sworn.*

I knew Mrs. Taylor: I went to her after she had received these wounds; I went into

the room, and said, Where is the poor woman? They told me: I says to her, Mrs. Taylor, do you know me? She said, yes; says I, this is a very shocking circumstance, pray how did it happen? Says she, I will tell you: we were very agreeable all day, and we read in the Bible in the afternoon, and at night we had a little hot, and he was not satisfied with it, but wanted a little more; I said to him, we have had as much as we can afford; upon this, we went to bed very agreeably, and after a bit he fell a grumbling, and said, d—n your eyes, you b—, and then turned his back on me, and I was in hopes he was a going to sleep; and instead of which he was feeling in his pocket for a small knife; and he said, d—n your eyes, you b—, now I will dispatch you, and gave me a cut on my arm; but, says she, it may be I may live a little longer, as I have got a good heart.

Mr. Knapp. There were some disputes about not having more liquor?—He wanted more.

So that there had been some dispute happen about it, and she told you then that he made use of those expressions you have described to the Court after they had been in bed?—The quarrel began a little while after they had been in bed.

However, he wanted more liquor?—Yes, he did.

Prisoner. I cannot remember any thing of what happened; my Lord, I do not remember any thing of it.

The prisoner called four witnesses, who gave him a good character.

GUILTY, Death.

Mr. Recorder immediately passed sentence on the prisoner, to be executed on the Monday morning following, and anatomised, pursuant to the statute; which sentence was executed accordingly.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

215. MAR-

215. MARGARET RICHARDS was indicted for feloniously stealing, on the 24th of February, a pair of women's stays, value 20s. two gowns, value 40s. a muslin handkerchief, value 2s. an umbrella, value 5s. and other goods, the property of Margaret Pitt, in the dwelling-house of Richard Moody.

MARGARET PITT *sworn.*

I was a servant out of place, and took my clothes to Mr. Moody, to have them safe; I did not lodge there; Mr. Moody lives in New Bond-street; I can only swear to my property.

RICHARD MOODY *sworn.*

I am a milkman, in New Bond-street; I know nothing of the loss, nor ever saw the things; I know the prisoner; she was my servant, and had been so seven weeks, all but three days; my wife and I, on the 24th of February, went out about five in the afternoon, and came back again about eight, and found the servant gone, and the place left open.

RICHARD LOVETT *sworn.*

I am an officer. In consequence of an information, I went to Lambeth, and found in the prisoner's room one gown, an umbrella, a muslin handkerchief, and an apron; and here are some other things, which I found in South Audley-street, where she had left them to be washed. (*The things produced, and deposed to.*) I also found a duplicate of a pair of stays.

A WITNESS *sworn.*

I am a servant to a pawnbroker; I have got a pair of stays, which I received from the prisoner on the 25th of February; I had known her before.

(*The stays deposed to.*)

Court to Margaret Pitt. Were all these things now produced left at Moody's house? — They were.

When?—Nine days before they were taken away.

GUILTY, 39s. (Aged 19.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

NUMB. IV. PART II.

216. THOMAS RUSSELL and JONATHAN OAKES were severally indicted: Thomas Russell for feloniously stealing, on the 30th of March, two pair of cotton stockings, value 5s. a muslin neckcloth, value 2s. 6d. a pair of silver knee-buckles, value 12d. a silver stock-buckle, value 2s. a pair of corduroy breeches, value 12d. a watch-chain, value 6d. three gold rings, value 20s. an oval case, value 6d. four guineas and a half, and thirteen shillings, in money, the property of Robert Holmes; and Jonathan Oakes for feloniously receiving part of the same goods, knowing them to be stolen.

ROBERT HOLMES *sworn.*

I rent a farm at Hanworth; I lost these articles, some out of a bed-chamber, some out of one parlour, and some from another parlour, both below stairs; the money was in my bedchamber, close by my bedside, lost out of a box, which was locked, on the 30th of March, between seven and eight in the evening; my wife and I had been out a walking between two and three in the afternoon, and left Thomas Russell to take care of my house; he had been in my service about a month; his business was to clean knives, shoes, or any thing he was ordered to do: in the evening, when we came home, my wife missed the things; one of the witnesses has got the things now; I saw them the day after I missed them, in Mr. Moss's hands, in my own house.

MARY HOLMES *sworn.*

I am the wife of the last witness: I went out with my husband, and had seen the box and the things safe just before I went out; the box was left locked; I was out about two or three hours; when I returned, I went up stairs, and went to my box, and found it broke open; when I went to unlock it, I found it was forced, broke open by violence; there had been taken out of a purse in it four guineas and a half in gold, and thirteen shillings in silver; nothing else was taken out of the box; the other articles were all above stairs, which were lost, and which are mentioned in the indictment; they were all put in a drawer, in a dressing-table,

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table, except the stockings, breeches, and buckles, which were all in another drawer, left unlocked; and I believe the muslin neckcloth was in a foul-clothes basket.

When had you last seen the contents of the purse?—On Sunday, as this happened on a Wednesday: I cannot say justly when I saw the things in the parlour, as it is a drawer I did not frequent much; we have got the breeches, the stockings, and the silver stock-buckle, and the silver knee-buckle, the four guineas and a half in gold, the thirteen shillings, and the watch-chain, I believe it is all back, the three gold rings, the jewel-case, and the neckcloth; Francis Moss got them, and brought them to us.

FRANCIS MOSS sworn.

I am park-keeper to the Duke of St. Alban's; I went up to Mr. Holmes's on the 31st of March; they told me they had been robbed; Mr. Holmes and I, after some talk which would be the best way to find out the robbery, went down stairs, and called the boy into the house (*Thomas Russell*), and Mr. Holmes says to him, I have great reason to suspect you to be the person that hath robbed me; if you will give up my property, before I go and fetch a constable, I will let you go about your business: after that, the boy told me that he had hid them in the ground, and that they were towards the stable-door; and there we found them; the boy kicked them out of the ground along the foot-path, on Mr. Holmes's premises, about ten or twelve yards from the house; we found these two parcels of lead, one in each hole; in one parcel, three guineas, three gold rings, and a silver stock-buckle; and in the other parcel, the metal watch-chain, a guinea and a half, and thirteen shillings; these things were found by the direction of that boy.

JAMES ALLIMAN sworn.

I am a journeyman smith: I know no more than Mr. Moss has said; I was in the house while Mr. Moss and the boy went out.

JOHN STILES sworn.

I am a smith: Jonathan Oakes brought

these pair of cotton stockings to me at my master's shop, and a muslin neckcloth; I do not know the day; he desired me to take care of them for him; Oakes works for the same master as I do, Mr. Seward, a blacksmith and farrier; he said his mother gave him the stockings; I have kept them ever since.

(The stockings and neckcloth deposed to.)

The gold ear-rings, valued at 21s. the silver stock-buckle, worth 2s. 6d. watch-chain, worth 6d. two pair of stockings, worth 5s. a muslin neckcloth, worth 2s. 6d.

PRISONER RUSSELL.

I never saw this man before, nor was ever acquainted with him.

PRISONER OAKES.

I found these things going across the common.

Mr. Stiles gave him a good character.

THOMAS RUSSELL, } **GUILTY, 39s.**
(Aged 16.)

Transported for seven years.

JONATHAN OAKES, NOT GUILTY.

Tried by the second Middlesex Jury before Mr. RECORDER.

217. JOHN ROSE was indicted for feloniously stealing, on the 12th of April, a piece of printed callico, containing twenty-eight yards, value 20s. the goods of Thomas Clay.

FIRMS sworn.

I live with Mr. Clay, a linen-draper, on Holborn-hill. On Tuesday last he lost a piece of printed cloth, tied in a bundle, and fastened to the door, to shew; I put it there myself; I saw the prisoner take it down in the afternoon, between two and four; I was in the shop, I saw him through the window; there was another with him; it was loosened before he took it away; I did not pursue him, but I saw him brought back

back in a minute, with the property on him.
(The property produced, and deposited in.)

JOHN CRESWELL sworn.

I was in the shop, and pursued and took the prisoner; I never lost sight of him; I took him next door, with the property upon him.

Prisoner. I was passing along, and seeing the piece of cotton lay on the pavement, I picked it up.

The prisoner called two witnesses to his character.

GUILTY. (Aged 21.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

218. PATRICK BOYLE was indicted for feloniously stealing, on the 12th of March, one guinea, and thirteen-halfpence, the monies of William Spencer.

The indictment opened by Mr. Garrow.

MARTHA SPENCER sworn.

I am wife of William Spencer, at Hornchurch: I deal in a little fish. On the 12th of March I came to Billingsgate, and asked, Who will have half-a-pot of mackarel? Patrick Boyle said he would have a pot and a half; accordingly we had some mackarel together, and went to a public-house, and there parted them, and had some gin and beer together; and coming out, and going along, I told him, if I could go to a gentleman's house, in New Bond-street, I could get rid of some; accordingly Patrick Boyle offered to shew me the way; and going along Cheapside, Patrick Boyle said to me, pointing to a coach, there is a man that I know, he will carry us very cheap; accordingly I got into the coach, and he told the coachman where to go to; I knew not the way myself; and when the coach stopped, Patrick Boyle took all the fish out of the coach, and went into a house; I followed

him; he went up a pair of stairs front room; I went up, and asked for my fish; he immediately threw me down on the bed in a very rough manner, and behaved very indecent, and put his hand before my eyes: says I, you have picked my pocket; it is every farthing I have in the world: I had a guinea in gold, and thirteen shillings in silver: he kept me there about two hours, wanting to have carnal knowledge of me; he went out at last, and I followed him to Bow-street, to the sign of the Brown Bear, and there I told them that a man had picked my pocket, and I would follow him till I died. He went away: I cried out, stop thief! I said, is there no constable? John Atkins said, sit down; and said, the evening office would come on at six o'clock; and Atkins took him into custody, and went to Bow-street; and the money not being found upon him, it was put off till further examination.

Are you sure that you had this guinea and silver when you first went along with this man?—I am.

When you came down out of that room, are you sure it was not in?—I am.

Did you go at all into this house willingly with this man, or for any improper purpose?—I did not.

Prisoner's Counsel. You was perfectly sober at this time?—I was.

You had been drinking together?—We had a pint of beer, and a quartern of gin.

You are a married woman?—I am.

Of course then your having been found in such a place, it is necessary you should give such reasons as you have mentioned, to satisfy your husband; you say there was an attempt to commit a rape?—There was.

He threw you down on the bed, and there was a very long struggle?—I was kept on the bed two hours before he would let me out.

You found no money on him?—I did not.

Did you call out?—I did; I cried out, murder! several times, and even told him I would forgive him all, if he would let me out.

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Upon your oath, did not you go into a public-house with him in that neighbourhood?—He ran into a public-house, and called for a pint of porter; I followed him, and said I would have a constable before I left him.

This man did not attempt to run away, by your own account?—He did not.

Where was you going at this time?—To a 'squire's, in Bond-street.

Can you tell me the name of that esquire?—Esquire Lake.

Was this room you and he were in on a ground-floor or no?—It was up one pair of stairs.

Now, upon the whole, can you be certain that the money might not have dropped upon the bed?—He took it out of my pocket; and if it was dropped, it was dropped by him.

You said you offered to forgive him?—I did, if he would let me go; I said so, because I was afraid of my life.

Mr. Garrow. You finding yourself in a bawdy-house, you told him you would forgive him?—I did.

The gentleman has asked you whether it was not necessary for you to make up such a story, to please your husband: Could your husband know any thing of it but from your ownself?—No, he could not.

THOMAS HIDE *sworn.*

I am a servant to Sir John Lake; he lives in New Bond-street.

Do you know the woman that has been giving evidence?—I do; she serves our house with fish.

JOHN ATKINS *sworn.*

On the 12th of March, I was coming up Bow-street, and heard some words, and this man and woman were there, and the woman was asking if there was no one to take charge of the man that had robbed her; he was so drunk, I thought proper to keep him till six o'clock in the evening, when Mr. Bond desired me to find this place that the woman spoke of; I went with her to a bawdy-house in Church-lane; but the old bawd would not come down.

Prisoner's Counsel. You have said that the prisoner was very much in liquor?—He was.

What money did you find on him?—About three shillings and sixpence.

You found no guinea?—No.

In what state was the prosecutrix?—I cannot tell: she seemed very much agitated; she said she had had some gin and some beer, and had been in a coach, with the prisoner; and said, if he would have given her the guinea, she would go about her business.

Then you cannot tell whether this agitation was from the hurry she was in or from liquor?—No.

PRISONER'S DEFENCE.

I met with this woman at Billingsgate: we had a quartern of gin, and three or four pints of beer with half-a-quartern of gin in each: after we had parted the mackarel, we took a coach in Cheapside to Drury-lane, and I paid the coachman eighteen-pence; then we went into a house together, and were there for two or three hours; and when she came down stairs, she said she had lost her money, and that she would follow me, which she did, to Bow-street, where the clerk desired me to go about my business, and not take any notice of the drunken woman: on this I went into the house, and she followed me, and said that I had robbed her; and so I was stopped till I went before the justice: there was a girl of the town with her, that desired her to swear a rape against me; she mentioned it so in my presence: that is the whole truth.

The prisoner called three witnesses, who gave him a good character.

GUILTY, (Aged 30.)

Imprisoned six months, and fined 1s.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

219. DAVID SIMPSON was indicted for feloniously stealing, on the 4th of March, one

one printed book, value 18d. two printed books, value 8s. and eleven other printed books, value 1rs. 6d. the property of James Lackington.

JAMES LACKINGTON *sworn.*

I am a bookseller in Chiswell-street. On the 26th of March I was sent for by Justice Triquett, who produced a book to me, and asked me if it was mine; I told him it was. I then went home, and told my head assistant that there were a thief or thieves in the shop, and desired to give a sharp look out.

MICHAEL SCALES *sworn.*

I live with Mr. Lackington. On the 3d of March, last, in the morning, Mr. Lackington told me that he had very just cause to suspect that he had a thief or thieves in his shop, and desired that I would give a sharp look-out. In the afternoon I saw some books in the pocket of the prisoner at the bar, he was an assistant of Mr. Lackington's; I did not just then detect him, but endeavoured to satisfy myself more fully, whether they were books or no: I then informed one of my shopmates, says I, David Simpson has got books in his pocket, I apprehend he means to steal them: after this he was going out with a parcel or parcels to two different inns, and I might mention that we send a book with these parcels, to have a memorandum put down where they are delivered, and when, and by whom. When David Simpson had got the parcels on his head, I asked him why he did not put this book into his pocket; and I says, David, if you will take these books out of your pocket, then you may put that book in: it confounded him, he was then in the first part of the shop, before two or three of the servants; he ran from that part through a second part, into a third part, where it was dark, and there he lowered his parcel. I followed him close with a candle; now, says I, David, please to give me those books out of your pocket: he gave me one; I said, give me the other; he gave it me: the books are here, they are Robinson Crusoe, two volumes. I told him it had a very bad

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look, and that he was not a proper person for Mr. Lackington's service at all; nevertheless I let him take the parcels and the books along with him; but I was a little uneasy, lest he should not deliver that parcel, and so no more passed on that occasion until the next morning, when Mr. Lackington came to town, when he ordered the constable to take him into custody immediately.

Do you know them to be Mr. Lackington's books?—I do; here is Mr. Lackington's marks.

Do you know where these books were taken from?—These were in that division of the shop where David was employed, for the purpose of sticking the papers on, as I think.

What did he say on all this?—That he took them to read, and would bring them again the next morning; but that is a practice entirely contrary to Mr. Lackington's shop, unless they inform me of it.

JOHN HIGHAM (*a blind man*) *sworn.*

I keep a bookseller's shop, No. 159, St. John-street, Clerkenwell. On Saturday February the 26th, David Simpson, the prisoner at the bar, came to my shop, and asked me if I would buy a book.

How do you know it was the prisoner?—He had been at my shop very frequently; I knew him perfectly by his voice. On March the 2d he came again, and I was not at home, I had suspicions the books he brought were stolen, so I ordered my wife to detain him, she did; and I came home about eight o'clock; my wife told me that David Simpson was within, I desired my young man to watch him. When I came up to him, he asked me if I would buy Robertson's History of Scotland, and asked me half a guinea; I told him they were books I did not much care for, I would give him five shillings; he said if I would not give him six, I should not have them: I told him I would give no more; so he said I must have them; on which I gave him the money. Knowing that I had bought them much under the value, the next morning I carried them

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to

to Justice Triquett's, and told him that I believed them to be Mr. Lackington's; on that information he was taken up.

PRISONER's DEFENCE.

I had a shop myself in Chancery-lane, and I was failing, and rather distressed for a little money. They are my own books, and I sold them.

Mr. Lackington. I swear these books, now produced, to have been in my possession at the time I took him into my service, which was on the 21st of February.

How long had he been employed by you?
—Ten days only.

GUILTY. (Aged 22.)

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. Baron HOTHAM.*

220. JOHN RICHARD PATRICK was indicted for feloniously stealing, on the 31st of March, five silver tea-spoons, value 4s. a silver sugar-tongs, value 12d. the goods of Isaac Elsgood.

SARAH ELSGOOD *sworn.*

I am the wife of Isaac Elsgood. My husband is a cooper. On the 31st of March, Thursday, I lost the tea-spoons and sugar-tongs: another man and the prisoner came into my shop, and asked for a dozen of apples; I was afraid of them by their looks, I went just on one side to get what they wanted, and coming back I looked up, and missed the tea-spoons and sugar-tongs; I charged the prisoner with it before he went out of my house; he went out, and was pursued, and brought back, and was flinging them out of his pocket before they touched him.

JOSEPH RAMSDELL *sworn.*

I was coming from the mill, and met the prisoner, and saw him throw the spoons out of his pocket on the ground, about fif-

teen rods from Mr. Elsgood's house. I did not know what they were, till I saw them picked up, four silver spoons, and a pair of silver tea-tongs, all loose: he run, I did not see him taken.

WILLIAM GILL *sworn.*

On the 31st of March I heard an alarm, and went out and heard Mrs. Elsgood making a cry out that she had been robbed: I stopped the prisoner.

(The spoons produced and deposed to.)

PRISONER's DEFENCE.

This gentlewoman said, when I was taken, that she would let me go, for she could not say I had taken the things, as there was another lad in the place.

The prisoner called four witnesses to his character.

GUILTY. (Aged 20.)

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. Baron HOTHAM.*

221. ELEANOR COLLINS was indicted for feloniously stealing, on the 31st of March, sixteen yards of linen, value 20s. the goods of George Robinson.

RICHARD LEADBETTER *sworn.*

I am a servant to Mr. George Robinson. On the 31st of March, Thursday, between three and four o'clock, in the afternoon, I, in consequence of information from Mr. Robinson to look at the prisoner, I cast my eyes towards her, and saw one piece of lawn fall to the ground loose, from underneath her cloak, towards her left side, and the other piece of lawn I saw her attempt to lay upon some goods as she was going out; it fell to the ground at the same time: I stopped her in the shop, she begged my pardon, and said she did not intend to take it. The

two

two pieces together made, one about ten yards, and the other seven yards and an half.

Mr. Garrow. The woman had bought some linen and paid for it?—She had bought two yards.

Several other people were in the shop at the time?—I believe there might be six or eight.

A large shop, is it not?—It is a largish shop.

THOMAS MEEPLES *sworn.*

I am servant to Mr. Robinson; I served the prisoner with two yards of lawn, and she paid for it; at the time she was served there were several other pieces on the counter: as she was going out, I saw one piece of lawn drop from her left side, and I saw her lay another

piece at her right hand side. Mr. Leadbetter took the gauze into his care.

(The gauze produced and deposed to by the marks, and having the very goods in the wrapper before.)

PRISONER'S DEFENCE.

I am as innocent as a child unborn; I never was accused of a halfpenny worth of the kind in all my born days.

The prisoner called seven witnesses to her character.

GUILTY. (Aged 25.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

MISDEMEANORS.

222. **G**EORGE BROADHEAD was indicted for obtaining on the 14th of March, twelve pair of men's black stockings, value 42s. by false pretences, the property of William Mee.

JOHN SOUTH *sworn.*

I am apprentice to Mr. William Mee. The prisoner came for some men's black on the 14th of last March, between six and seven in the evening; I shewed him about two dozen; he said he wanted some men's black, meaning men's black worsted stockings: he then pitched upon one dozen; I went to make out a bill, and I asked him whether they were for Mess. Holland, and Co. he said yes. I then made out a bill of parcels in that name: he asked for some other articles which I had not got. He has lived at

Mess. Holland, and Co. to my knowledge, as a servant.

Prisoner's Counsel. Was any body with you in the shop when the defendant came?—No.

I believe it was not till you came to make out the bill of parcels, that the name of Mess. Hollands was mentioned?—It was not.

So that he had got the stockings in his possession, before he said any thing to you of Mess. Hollands?—It was at the time when I asked him whether I was to make it out in the name of Holland, and I thought he lived at Mr. Holland's.

Court. These stockings were not paid for at all?—They were not.

You had not delivered them to him till you had made out the bill of parcels for Mess. Holland?—No.

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Would you have delivered him the stockings if they had not been for Mess. Hollands?—I should not without the money.

JOHN HOLLAND *sworn.*

I deal with Mess. Mee and Evans.

Did you send the prisoner to get any men's black on the 14th of last March?—No; all that he did at this time was without my knowledge.

What is the firm of your house?—Henry Holland, George Holland, Charles Waitell, and William Orton. I live in High Holborn.

Prisoner's Counsel. When did the prisoner live in your service?—He went away the 29th of January last.

WILLIAM MEE *sworn.*

South is my apprentice, I but know nothing of the transaction.

ROBERT NEWMAN *sworn.*

I am a constable; I apprehended the prisoner the 19th of last month; I found twelve duplicates, some of which led to the stockings in question. The pawnbroker has them.

WILLIAM WAKETON *sworn.*

I am a servant to Alexander Pearce, pawnbroker. (*The duplicates deposed to.*) I produce the stockings; I am certain the prisoner is the man I took them off.

(*The stockings deposed to by the paper.*)

Prisoner's Counsel. I believe he hath been in better circumstances?—He has; but he has unhappily got into habits of drinking, and that has brought him to what he is now.

GUILTY.

Whipped and imprisoned twelve months.

Tried by the London Jury before
Mr. RECORDER.

223. REUBEN THOMAS CRAVEN was indicted for obtaining twenty-five pounds weight of isinglass, value 8l. on the 19th of December, by false pretences, the property of Godfrey Sykes.

FRANCIS GRAFTON *sworn.*

I am servant to Mr. Godfrey Sykes. On the 16th of December the prisoner came to me, and said he wanted twenty-five pounds net of long staple isinglass; I said very well: I asked if he had an order; he produced it.

(*The order read.*)

"Sir, send the twenty-five pounds net isinglass, L. S. ordered last night. Signed H. Edwards, and Co."

Mr. Edwards keeps a druggist's shop in Ratcliffe-highway: I know not the firm of the house, I asked him to sign his name; he said his name was John Clarke, he could not write, in consequence I delivered to him the isinglass.

Are you sure that order you produce is the order he gave you?—I am; I wrote upon it, delivered to John Clarke.

Are you certain that you understood, that this Edwards, and Co. was the Edwards in Ratcliffe-highway?—I am, because he was a customer of ours.

HOWSON EDWARDS *sworn.*

My partner's name is John Rutherford, Ratcliffe-highway; I deal with Mr. Sykes in Lombard-street, I know the prisoner, and have known him above these twenty years. I did not send him on the 16th of December to Mr. Sykes, he left me the August before, and had been my servant ten months.

PRISONER'S DEFENCE.

I never received any isinglass of Mr. Sykes, or any servant of his, nor was I ever there for isinglass. Mr. Grafton knew my name

name to be Craven for some years, when I was in business for myself.

GUILTY. (Aged 36.)

Whipped, and imprisoned twelve months.

*Tried the London Jury before
Mr. RECORDER.*

224. HENRY PROSSER was indicted for uttering a bad shilling, on Friday, the 17th of December, knowing it to be such, to Mary the wife of William Blaker: and further charging him with having about him, another counterfeit shilling, knowing it to be so.

WILLIAM BLAKER *sworn.*

I keep the Rainbow Coffee-house, Fleet-street, I know the prisoner very well; he was at my house on the 17th, a little before twelve; he came with one Bafnet and another man I do not know. After they had called for a pot of beer, they sent out for some meat; after they had some more beer and some gin, the reckoning came to one shilling and eight-pence: when they called for their reckoning to be settled, Prosser said Bafnet should pay; Bafnet said he should pay: says Prosser I have no silver; says Bafnet, I have none; then how shall we pay the reckoning? You must change one of these guineas: says he, I will. Bafnet says to me, give the change for this guinea: Prosser starts up and says, no, Mr. Blaker shall not give change, I will give change: I gave the guinea to Prosser, and Prosser gave Bafnet all shillings, except half a crown; and Bafnet looks at them in his hand, and says, I think there are some here not very good, and hands two of them to me: says he, do you like those shillings for the reckoning? I said they are not good, and returned them: He turns to Prosser again, and says, the landlord will not take this money: Bafnet says, there is more bad, I dare say, look at it; and he gave

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them to me to look at; and there was ten bad, all strait together; and then he gave me the rest of the change together, among which was two more bad shillings, and a bad half crown: says Prosser, do not make any words, give me my money back. Bafnet gave it him all back, and Prosser gave me eighteen-pence in good silver for the reckoning: says I, there is two-pence more to pay, which they paid after a little dispute; a gentleman sitting by followed me, and says, Mr. Blaker, those are bad people; I sent for a constable, and told my wife to get change for half a guinea.

Mr. Beth. Pray were these people that came to your house at any sort of gaming diversion?—No.

Was there any quarrel between you and Prosser?—Yes, there had been, but it was about bad money.

MARY BLAKER *sworn.*

I am the wife of William Blaker: On the 17th of December I asked the prisoner for change of half a guinea; and he gave me ten shillings and a sixpenny piece; I examined it immediately, there were two bad shillings, very bad; on my complaint, he gave me two more equally bad: I did not return the two first, I gave them to my husband, and I saw him mark them. *(The four shillings produced.)* Here are two with them, taken out of Prosser's pocket afterwards; six in all.

(The shillings shown to Mr. Blaker, and deposited to by his marking of them himself, and having them in his possession ever since.)

Mr. Beth. What did you put this mark on with?—With a knife.

Where have you had them all this time?—Locked up in my own bureau.

How long have they been out of your possession?—They may have been out of my hands two minutes, while they were looked at, at the Justice's.

JONATHAN BARNES *sworn.*

I was a constable at this time. I was called

ded to this house, and found two bad shillings in the prisoner's right-hand pocket, and in a pocket-book five or six more, each parcel mixed with some good which I returned to him.

Court to Blaker. Had the prisoner been out of the house, between the first transaction and the second?—No, he had not.

SARAH PHILLIPS sworn.

I was a servant to Mr. Proffer: he keeps a chandler's shop in Newton's lane, Drury-lane, and for some time before this his wife was ill; she is since dead, and I took the money in the shop. I remember taking several shillings and six-pences many times in change, and my master has scolded me when he has come home, finding some of them bad. I have taken three pounds worth of silver in a day: but what could I do? my mistress was ill, and I had to attend her and the shop both. (*An half crown produced.*) I will swear to taking this half crown, I took it for a bushel of coal in the evening.

I suppose after your master gave you such hints, you did not take so much, but was more careful?—Yes, I was.

Mr. Knowlys, Counsel for the Prosecution. What sort of an half crown was that you took?—It was plain on one side, and a faint head on the other.

When was it you took it?—Some time back, in January, about three weeks before my master was taken up.

When did your master take it out of the till?—The morning he was taken up, he took it out with a quantity of silver.

When was you first called upon to speak to this half crown?—Nobody at all has called upon me.

Who told you, you should see this half crown here?—His wife that is dead and gone did.

How came you to say then, nobody had spoke to you at all.

GUILTY on both counts.

To be imprisoned one year in Newgate, and find security for two years.

Tried by the first London Jury before Mr. RECORDER.

225. **HENRY SALISBURY** was indicted for hindering, opposing and obstructing Thomas Kingford, the elder, on the 22d of April, at Stoke Demerell, in the county of Devon, while he was on shore, and in the due execution of his office and duty, in seizing and securing, to and for the use of our Lord the King, six gallons of spirituous liquors.

A second count, charging him with making an assault on the same occasion: and *a third count*, for unlawfully hindering.

(*The case opened by Mr. Attorney General.*)

THOMAS KINGFORD sworn.

I am an excise officer. On the 23d of April, 1785, I was at Plymouth Dock; I expected smugglers over the water; between twelve and one, twelve or fourteen came over in a boat: my son, James Taylor, Thomas Maynes, and myself, were together. They landed their kegs, and went up with them, and we after them: we came up to the hinder men, and some threw down their kegs, and the rest turned back, and some of them struck me. The prisoner struck me with a large bludgeon on the head, and I was covered with blood, I had my leg smashed all to pieces, the bones were obliged to be taken out: I had known this man, the prisoner, some years, he had been employed as a porter, and I am quite certain he is one of the persons.

Court. Pray what sort of a night?—Clear enough; it was not dark.

Have you seen the prisoner since that time?—Not till now.

THOMAS BREWER sworn.

I am a seaman on board the Union. I know the prisoner, I saw the prisoner at this place,

place, and in the first place I saw him with a keg between his legs, and a stick in his hand, at the corner of the Highland House. I saw him strike a blow at young Kingsford; I am quite sure that the prisoner at the bar is the person, I have known him some years, and saw him about a twelvemonth ago.

THOMAS KINGSFORD, the younger,
sworn.

I was at my father's assistance at the time now spoken of. We made a seizure of an anchor of runed geneva; the prisoner at the bar in consequence had a stick; he made a back-handed blow at me with a bludgeon. I am certain he is one of the party of the smugglers; they forced me to fly.

THOMAS MILES *sworn.*

I was the waterman that brought over all the smugglers, the prisoner was one, he was provided with a bludgeon the same as the rest. After they went up with the kegs, the officers pursued them; I stood by Mr.

Kingsford, they took hold of some of the kegs, and some went up James-street, and some round Highland House. I heard Mr. Kingsford cry out, my leg is broke; and afterwards I heard some of them say, we will murder some of you. I went then towards home after that: I am sure Salisbury was there, I saw him the next day about ten o'clock, and he advised me to go home with him, and said, if in case I was taken up they would allow me subsistence, and I went with them to Guernsey.

PRISONER'S DEFENCE.

I did not belong to the smugglers, I was at the water-side, and wanted to go over, and they gave me a passage. I can say nothing to the charge in the indictment.

GUILTY.

Two years hard labour on the River Thames.

Tried by the second Middlesex Jury before

Mr. Justice HEATH.

The Trials being ended, the Court proceeded to pass Sentence as follows:

Received Sentence of Death, 13, viz.

Allett, George	—	—	149	Kelsey, James	—	—	160
Cawsey, Thomas	—	—	171	Pritchard, Edward	—	—	162
Chafeland, Thomas	—	—	155	Ryan, John	—	—	151
Collier, Elisha	—	—	172	Sharpe, Jane	—	—	172
Druce, William	—	—	150	Smith, John	—	—	152
Jones, Robert	—	—	136	Taylor, Charles	—	—	214
Jones, William	—	—	154				

To be transported for Fourteen Years, 1, viz.

Joseph Yostus — — 158

To

<i>To be transported for Seven Years, 40, viz.</i>			<i>Two Years Hard Labour on the River Thames, 1, viz.</i>		
Angus, James	—	146	Henry Salisbury.		
Beale, James	—	200	<i>To be fined 1s. and imprisoned Twelve Months, 2 viz.</i>		
Beale, Charles	—	200	Ann Wood, Robert Smith.		
Belafca, John	—	161	<i>To be whipped, and imprisoned Twelve Months, 4 viz.</i>		
Bowers, Jeremiah	—	145	George Broadhead, Reuben Thomas		
Chapman, William	—	183	Craven, Thomas Stringer, and Sarah Beaumont.		
Collins, Eleanor	—	221	<i>To be whipped and imprisoned Six Months, 1, viz.</i>		
Duke, John	—	207	John Porter.		
Evans, James	—	166	<i>To be imprisoned Six Months, and fined 1s. 4 viz.</i>		
Fisher, Hannah	—	203	William Cordell, William Watkins		
Glifter, William	—	184	John Lewis Jenkins, Thomas Turner, and Patrick Boyle.		
Harcombe, Robert	—	200	<i>To be whipped, and imprisoned Three Months, 2 viz.</i>		
Hayman, Richard	—	167	John Waddie, and James Buckland.		
Hanson, John	—	168	<i>To be imprisoned three Months, and fined 1s. 4 viz.</i>		
Holt, James	—	147	John Mills, Ann Smith, John Hill, and John Robinson.		
Hughes, John	—	169	<i>Received his Majesty's pardon on condition of their being transported for the term of their natural lives; Charles Alden, George Cocke, Daniel Buckridge, Neal Macmullen, Thomas Pointer, Ann King, and William Smith, capital convicts—Also Mary Rhodes, on condition of being imprisoned six months,</i>		
Johnson, John	—	175			
Lynch, Mary	—	164			
Mackenzie, Thomas, alias John	—	178			
Moss, John	—	201			
Margray, Jane	—	203			
Newland, Ann	—	177			
Page, George	—	209			
Patrick, John Richard	—	220			
Perkins, Samuel	—	179			
Pritchard, James Tomlins	—	182			
Pybus, John	—	180			
Regus, Isaac	—	153			
Richards, Margaret	—	215			
Rogers, Thomas	—	212			
Rose, John	—	217			
Rowland, John	—	170			
Russel, Thomas	—	216			
Simmons, Charles	—	173			
Simmons, John	—	144			
Simpson, David	—	219			
Smith, Mary	—	211			
Smith, John	—	148			
Sparrow, John	—	208			
Watson, Alexander	—	180			
Wright, Thomas	—	147			

To be transported for Fourteen Years, 1, viz.

221

Joseph Yellus

THE
TRIALS AT LARGE

OF THE
CAPITAL and other CONVICTS,

ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middlesex*,

HELD AT
JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 8th of JUNE, 1791, and the following Days;

Being the FIFTH SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

NUMBER V. PART I.

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M D C C XCI.

[PRICE ONE SHILLING AND FOUR-PENCE.]

T H E
TRIALS AT LARGE,
 OF THE
CAPITAL and other CONVICTS,
 ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable JOHN BOYDELL, LORD MAYOR of the City of London; the Honourable Sir WILLIAM HENRY ASHURST, one of the Justices of his Majesty's Court of King's Bench; the Honourable Sir RICHARD PERRY, one of the Barons of his Majesty's Court of Exchequer; Sir JOHN WILLIAM ROSE, Serjeant at Law, Recorder of the said City; JOHN SILVESTER, Esq. Common Serjeant; and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

<i>London Jury.</i>	<i>First Middlesex Jury.</i>	<i>Second Middlesex Jury.</i>
Thomas Marriott	James Wilkinson	John Robinson
George Revell	Saul Richardson	Thomas Hawkins
James Sharpe	Evan Griffiths	James Faulkner
Michael Laney	William Savage	Alexander Lindsey
John Lake	William Sterch	William Jackson
William Hodgson	William Drew	John Wardell
James Hall	Joshua Johnson	William Hickson
Thomas Kemble	James Dodd	Alexander Mackie
John Kirby	John Keymer	Thomas Kealey
Josiah Harvey	William Clarke	William Dale
Daniel Doggett	William Parry	James Wayman
James Black	Samuel Pinder	James Jones

226. **M**ARY OWEN was indicted for stealing, on the 7th of June, half a yard of silk, value 2s. 6d. twenty remnants of cotton, value 5s. a piece of binding, value 6d. the property of Richard Hudson and William Corney.

RICHARD HUDSON *sworn.*
 I live at No. 4, Broad-street, Carnaby-market, I keep an upholsterer's shop and cabinet-maker; we have milled cottons and buckrams, and tapes and callico. On Tuesday morning last I heard the prisoner was

to have a patch counterpane raffled for in the neighbourhood, and upon her not coming back to breakfast, I enquired after her, and understood there were not members enough to be procured; I saw the counterpane, and they were all my patterns of cotton, and I saw a child's frock which was my property; I found all these things in her lodgings by a search warrant; I can swear to them all by the patterns, and to this piece of India silk in particular; it matches to a piece I have here, where it was cut off; the prisoner has worked for me a year and three quarters. The value of all the things I can swear positively to is thirty-nine shillings. William Corney is my partner.

JOHN BROWN *sworn.*

(*Produced the counterpane.*)

It was pawned with me for ten shillings, I did not take it in.

DOROTHY HOUSEMAN *sworn.*

I know the prisoner; she gave my little girl some little bits and shreds to make two counterpanes on, and I was to have one for making the other; she said they were the perquisites that were allowed on cutting out at Mr. Hudson's and Corney's shop.

Prosecutor. I allowed her none, I forbid her taking any bits.

JAMES SLADE *sworn.*

I am a constable; I went with a search warrant to Mr. Phillips's, No. 5, Edward-street, Broad-street, there I found the prisoner up two pair of stairs, she was coming out with this property tied up in a bundle; a chest that was not locked was full of the same sort, only not such small pieces.

PRISONER'S DEFENCE.

I was forewoman, and I looked on all those bits my perquisites, I had but eight shillings a week, I did a man's work; I have no witnesses, I am a stranger in the place.

ANN EDGEWORTH *sworn.*

I made two counterpanes for the prisoner, she said the pieces were her property, as she was forewoman of the shop.

GUILTY.

*Tried by the first Middlesex Jury before
Mr. Justice ASHURST.*

227. CHARLES HILTON was indicted for burglariously and feloniously breaking and entering the dwelling house of Henry Bennett, about the hour of ten in the night of the 26th of May last, and burglariously stealing therein, one pair of sheets, value 2s. one woollen blanket, value 12d. one woollen rug, value 2s. and one feather bolster, value 2s. his property.

HENRY BENNETT *sworn.*

I live in Newton's-lane, St. Giles's. My house was broke open about ten on the 26th of May; I was in bed about ten; it is a house that we let out in tenements ready furnished; I do not inhabit any part, it was the room of a lodger, I cannot tell the name: it was past ten, I was just got into bed, my wife was up; the watchman knocked, and called Bennett; I went to the house, and the pannel of the lock was taken out, and the things mentioned in the indictment were gone.

(*Repeating them.*)

CORNELIUS BUCKEY *sworn.*

A little before eleven I was after going on duty; I went for a halfpenny worth of tobacco, and I saw this man; I fancy this is the same man; and I saw him with this property; I fancy this is the same property; he had a bundle; I took him to the watch-house on suspicion, with the bundle, and he said his wife died, and that occasioned him to bring the goods to be sold; he tried to escape from the watch-house-door; Bennet's name was on the things, and I called him. (*The things produced and deposed to.*) Here is a mark in this, but I can

can hardly read it. Here is Henry Bennett in full.

PRISONER'S DEFENCE.

I was drinking all the afternoon, I was rather in liquor; I met a man and woman with these clothes, and the woman asked me to carry them a little way for her.

GUILTY,

Of stealing, but not of the burglary.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

228. WILLIAM BROWN and JOHN DAWSON were indicted for feloniously assaulting William Maddocks, on the king's highway, on the 4th of May last, and putting him in fear, and feloniously taking from his person, and against his will, a man's hat, value 5s. seventeen guineas and an half, and seven shillings in monies numbered, and five halfpence his property.

WILLIAM MADDOCKS sworn.

I was robbed on Wednesday May the 4th, in the evening, between seven and eight, at the bottom of Highgate-hill, towards Finchley-common. The two prisoners were the men that robbed me; they took from me seventeen guineas and some odd money, besides my hat and three keys; I was going on foot from Highgate, where I had left my horse, to my own house, about a hundred yards further.

Court. Are you positively sure as to the persons of the two prisoners at the bar?—Perfectly clear; for on going down I was quite abreast of them; I had not the least suspicion of being stopped; they both took hold of me by the collar, they were abreast, one on each side; they asked me for my money.

Court. It must have been perfectly light at that time of night?—Broad day, my Lord.

Which way did they go?—After they stopped me, I told them they were drunk, they were not serious; and by that time I had some how disengaged myself from them, expecting somebody would pass to my relief; I gave them a few blows, but they got me down, and one of them put his hand into my right-hand breeches pocket, and took my money, as I mentioned before; they crossed the field over to get from the spot, to get towards Caen Wood; I proceeded to a neighbour's, within a hundred yards of the spot, to a lady who holds a large farm under Lord Mansfield, expecting to find some assistance from her servants; I found only one at home, in consequence of which I did not wait there, but made the best of my way by running to Highgate, I got on my horse, and rode round by Hampstead-lane, by Lord Mansfield's; there is a little hut just opposite, there I saw a person who said he had just seen the two men, and he supposed they were then in the wood; having nobody with me, I went to the Spaniard, which is very near, and there were several people proposed looking out for them; I left them, and proceeded further through Hampstead, and came to Red Caps, about half way to Hampstead; there I found the patrol, and after giving them the information, I proceeded to go through Kentish-town; after I passed the workhouse, which is close to Red Caps, there is a vacant field, and there I met two soldiers; it being near dark I could not discriminate, and I went to the next public-house; not procuring any assistance, I rode back and passed them before they got to the work-house, and went to the public-house where the patrol were, and they seized the prisoners, who were just come up to the spot; on being brought into the house they were searched, and the particulars the patrol can inform you.

JAMES ALLEN sworn.

I was applied to, to take up the prisoners, we waited for their coming down the road, after he gave the first information; me and my man took them; Dawson had a bayonet

net in a belt ; I searched Dawson, I found nothing upon him ; my man searched the other (Brown) in my presence ; there was found upon him two different parcels, one parcel contained ten guineas and some silver, and two halfpence ; in the other there was seven guineas and an half, and some silver, and three halfpence ; nothing else in my presence. The bayonet my other man took from Dawson.

WILLIAM PICKARD *sworn.*

I was present with the last witness when these men were searched ; I searched Brown, and found this woman's glove, tied up in this manner in the tail of his shirt ; it contains ten guineas, two shillings, four sixpences and three halfpence ; and I found this handkerchief pushed up between his legs, in his fork, as close as could be, and therein were seven guineas and an half, three shillings, and two halfpence ; and I found one gaiter upon him.

PRISONER BROWN's DEFENCE.

My comrade and I had our clothes tied on, and took a walk to Primrose-hill, and had a pint or two of beer at one place, and a pint or two at another ; coming home by Mother Red Caps, we was stopped by the patrol, they took us into a public-house, and searched us, and took our property from us, which was no great property, but which was what I had saved by my own industry.

PRISONER DAWSON's DEFENCE.

I have got an impediment in my speech. My comrade and I took a walk round Primrose-hill in the afternoon ; we had a pot of beer, he said he had plenty of money about him ; what money it was I do not know. When we were at Mother Red Caps we were stopped by the patrols, and taken up and searched, and nothing was found upon me.

Court. Which regiment of the guards do you belong to ?—The first.

NUMB. V. PART I.

WILLIAM BROWN, }
JOHN DAWSON, } **GUILTY, Death.**

*Tried by the first Middlesex Jury before
Mr. Justice ASHURST.*

229. JAMES SMITH was indicted for feloniously stealing, on the 1st of June, two iron spades with wooden handles, value 5s. the property of Elizabeth Simper, widow.

(The witnesses examined separate.)

ELIZABETH SIMPER *sworn.*

On the 1st of June I lost two iron spades from the garden. I am a gardeners in Rose-lane, Ratcliffe ; I found them in about a quarter of an hour, it was about a quarter after eight when he took them away ; I first saw them in the custody of Mr. Price, who keeps the public-house.

GRIFFITH PRICE *sworn.*

I am a publican. On the 8th of June, about eight, Mrs. Simper's people came to breakfast, and about a quarter after eight Mrs. Simper's little boy informed me, and I went and saw the prisoner with two spades on his back, in a field adjoining the garden, about half a quarter of a mile from the garden, walking very fast towards the garden ; I said, my friend, where are you going with those spades ? he said b——r your eyes, if if you do not let me go, I will cut you down. Me and one East, the foreman of the garden took him into custody : I have kept the spades from that time to this.

WILLIAM EAST *sworn.*

The two spades I took from the prisoner I gave to Mr. Price, I received them at the Rotation, and gave them to Mr. Price, and brought them here to-day from Mr. Price ; they are the same that were taken from the prisoner ; there are two notches on them, which I made, I took them from the prisoner about an hundred yards from

my mistress's house, going towards Lime-house; I officiate for Mrs. Simper; the prisoner did not come to work that morning, he wanted to go to work at eight; I said, James do not go to work till nine; he said, I do not mind an hour; he went and had some breakfast, and then went and took the spades: he was watched.

Prisoner. Were the spades concealed or on my shoulder?—On his shoulder; he took another person's jacket, and left his coat; when we went up to him I said, you villain, where are you going to? he was in the regular foot-way, I saw him come over the fence, and Mr. Price was very nigh him.

Whether I changed any money with Price, after he took me into custody?—He gave me sixpence, and I gave him change.

PRISONER'S DEFENCE.

I went to work, I never staid five minutes; in ten minutes or a quarter of an hour her other people went to breakfast; there were four people digging, two of them took their spades, the fourth was left in my charge; if I had lost it I must have been answerable for it; I pulled off my coat, it was nearer the house than where my work was, I thought it safer there than where it was; the foreman, Mr. East, had told me two or three different times, that they had lost tools out of the ground, therefore I took them with me for safety; I went in my shirt sleeves, I had money due to me from my mistress, wages, and I would hardly have gone away so.

Court to Mr. East. Do you know these spades?—Yes, by the marks upon them, J. S. in several parts.

PRISCILLA PRESTON swears.

I am married; my husband John Preston is a housekeeper, a carpenter and joiner, a journeyman; I have known the prisoner a long time; I went to his mistress the day afterwards, and I asked her whether she would appear and speak in his behalf; Mrs. Simper said she lent him the spades, I can take my solemn oath of this; I heard of it, and

I went to know whether or no he was taken, and I asked her whether she did not lend him the spades; and she told me yes, and he comes of very honest parents.

Did she say she lent him the spades that morning?—No; she only said she lent them to him.

She did not say she lent them to him that morning?—No; she said she lent them, that was all; I have known him thirteen years, he served his time to Captain Barrer, to the seas, and was cast away on board the Old Kingston.

Have not you mistaken her; you are a little deaf?—No, Sir, I have not; I was very near to her, and I took particular care; I never was before any body till now; my father married his mother, that is all the relation I am; that is no relation at all.

Does he live in the house that you live in?—No, he does not; I live in Old-street-road, at No. 2, I sell a little tobacco; he lodges at Mile-end, at the Brewer's Arms: it is a great way off.

Court to Mrs. Simper. When did you see this woman?—This woman called upon me past nine o'clock.

And did you tell her you lent him the spades?—No, Sir.

What did she come about?—To beg of me to be merciful to him.

Did you ever say to her that you lent him the spades, or any thing like?—No, Sir, no such word.

Did she appear deaf to you?—No, Sir, she did not; she told me she was his sister, and lived at Hoxton, and she begged of me not to appear against him, and not to bring him to justice.

Then do you mean to say, that what she has sworn is false, that you never did say so?—If I was to say that I did say so, I should tell a falsity.

Did you say any thing that could be mistaken for that?—No, not that I know of.

Prisoner. I was round the world with Captain Cook, and I worked hard for Mr. Hoberoft, and he told me he would have come; but these gardeners and gardenesses hang all in a gang, so that they are obligated

to

to prosecute right or wrong; they do not stand upon any favour.

Jury. Was there any public-house nigh on the road?—There is one about a quarter of a mile nearer, the Britannia, going to Poplar.

Prisoner. It was my meaning to go to the next public-house to get a pint of beer, and return to my work like an honest man; I left money in my mistress's hands.

GUILTY.

Fried by the first Middlesex Jury before Mr. RECORDER.

230. **WILLIAM BRYANT** was indicted for feloniously stealing, on the 17th of May last, fifteen yards three quarters of woollen cloth, value 6l. 3s. eighteen yards three quarters of ditto, value 6l. 9s. fifteen yards ditto, value 3l. 10s. fourteen yards of ditto, value 5l. 13s. nineteen yards and an half of ditto, value 4l. 2s. and three yards of canvas, value 3s. the property of John Jackson.

The case opened by Mr. Knowliss.

GEORGE SMITH *sworn.*

I am servant to Mr. John Jackson, he is the proprietor of the Leeds waggon, three weeks last Monday a truss was put into the Leeds waggon to London; it was directed to Read and Co, Inverness; I loaded it into the waggon at Leeds; it was removed into a cart at Ponder's End, I loaded it into the cart, there were several other goods in the cart, we mostly bring a cart with us; three men came after us, and they went past me, and I them, and then they me; I suspected and watched them, it was about eleven in the forenoon, and the man on horseback, who is not here, rode up and cut the cord; the three men in the cart were just behind him, and the prisoner pulled the truss off our cart into their cart; I am certain the prisoner is the man: they drove away with it as fast as they could in the cart: I

drove the waggon into the town of Tottenham, and got a man to stand by it, and I rode after them; Wood, my companion, was behind at the time the matter happened; I went to some brick-fields, where some men were making bricks, and I saw the four men with the cart; I pursued them about a mile, I lost sight of them, I saw the truss in the cart; I rode up to them; and these four men came running, and pulled me off the horse's back; and two of them; each took up a brick, and said, if I meddled they would kill me; and the prisoner and another man got the horse and cart out of the shed, and they rode away with the cart, and the two other men held me; they turned my horse into the field, and I went into the town, and met Wood my partner coming, and several more, and I went back to the brick-fields; I had tired my horse, so I went back to the waggon, and took care of that; I am sure the prisoner whom I saw with Wood, was the same man I saw in the cart.

Mr. Garrow. You never saw the men before?—No.

How near to Tottenham?—Three or four miles.

Had you taken any thing else out of the waggon into the cart?—Yes, several things.

You was near the weighing engine then?—Yes.

Where did you take the goods out; how long before you had got to the weighing-engine?—About four miles.

Did you take any particular account of packages that you took?—No.

This was about eleven in the forenoon?—Yes.

There were a good many people on the road?—Yes, a good many.

Did you give any alarm before you got to Tottenham?—No.

Did you desire any of the people to pursue?—Yes, I did; a lady sent two of her servants to Stamford-hill.

You never saw the man in your life?—No.

DAVID WOOD *sworn.*

I was in company with the last witness, I galloped

galloped into Tottenham, and had information the parties had rode up White-hart-lane, I found them at Wood-green; I met Smith on the road, I went to the public-house, and asked the landlady about them; I found the prisoner running up a hedge side to get away, I suppose, and caught him the collar; I told him he had robbed my waggon; he said he knew nothing of it; I brought him to the public-house, I made him get upon my poney, and come with me on my poney; I was coming towards Tottenham, and in about thirty yards three men came to my assistance; we came back to the public-house, and brought his horse and cart away with us, that he had rode in; I asked him if he knew any thing of the trufs; I made him no promise of favour; he said a young man was seeking for the trufs, and the prisoner said, it is in that bush, let me go; the young man put up his hand as a signal that he had found the trufs; and when he saw that, he jumped on the poney to run away; I got up after him, and knocked him down, and he was secured; the trufs that was found in the bush is the same that was taken from the waggon; two iron crows were found besides the trufs.

Mr. Garrow. You are the waggoner?
—Yes.

You pay for what is lost?—No, Sir.

Your master pays for losses?—I suppose so.

How many porters are there?—Only one in the Leeds waggon.

JOSEPH OAKES sworn.

I was present when this trufs was found in the ditch; James Sitton found it, I saw the prisoner then, he was on a poney behind the waggoner; as soon as the trufs was found he attempted to escape, but was afterwards secured.

JAMES SITTON sworn.

The waggoner told me he was robbed, I saw the cart and Mr. Bryant in it: (*that gentleman that stands here.*) I found the trufs in the place where the cart passed by, the

prisoner was three quarters of a mile off, I carried it about thirty yards.

(The trufs produced, and the contents deposited to.)

———— *BEILBY sworn.*

I took possession of the trufs and these implements, as an officer of Clerkenwell.

Wood. This is the same trufs that was in the Leeds waggon, it is directed, James Read, and Co. Inverness.

Court. What is the value of the trusses?
—About twenty-five pounds, or upwards.

PRISONER'S DEFENCE.

I was drinking at a house at Wood-green, and this man came up and challenged two or three people in the house; says he, you are one, and I went with him.

The prisoner called three witnesses to his character.

GUILTY.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

231. **ROBERT FRANKLIN** was indicted for feloniously stealing, on the 28th of April last, one stuff boat cloak lined with green baize, value 10s. the property of George Millett, Esq.

GEORGE MILLET, Esq. sworn.

I was just returned from India, and on a visit at my brother-in-law's, Mr. Coghlan; I lost a brown boat-cloak lined with green, I do not know that it is lined with baize, but my name is worked on the back of it; it was lost the latter end of April, it was lost from Mr. Coghlan's, No. 65, Hatton-garden; I saw the prisoner at Mr. Coghlan's, who had been brought in, I did not see the cloak in his possession, but I saw some picklocks taken out of his pockets.

WILLIAM PORTER sworn.

I am servant to Mr. Millett. On the 28th

28th of April the prisoner came to No. 65, Hatton-garden, and knocked at the door, and enquired after Mr. Edwards; he desired me to go and enquire, I went into the parlour, and as I came out, I saw the prisoner walk out of the street-door with the cloak under his arm; the cloak was hanging up in the passage; he run up Hatton-garden with the cloak under his arm; I cried stop thief, and he dropped the cloak; and a gentleman tripped up his heels and we took him. I am sure he is the same person that came to the house, and went out with the cloak.

JOSEPH UNDERWOOD *sworn.*

I was returning from my work the 28th of April, in the evening; in Hatton-garden, the prisoner was running towards me, he dropped something before he came to me; I pursued him down Hatton-wall, and tripped up his heels; he fell on his face, I fell on him, I took him into custody; I am certain he is the man that dropped something.

THOMAS YOUNGER *sworn.*

I was constable at the time for Hatton-garden-liberty, I assisted taking the prisoner; I took him into Mr. Coghlan's hall and searched him, and found these pick-lock keys in his pocket, wrapped up tight; we had a coach to take him to the Justice; and in Turnmill-street, somebody cut the coach down, and the door opened, and they began leathering away as they call it; Mr. Miller's servant got terribly wounded; they halloo'd out, damn your eyes, go it; damn your eyes where's your knife Bob, cut away. I expected nothing but murder.

PRISONER'S DEFENCE.

I had been drinking pretty freely; coming down Hatton-garden, I heard the cry of stop thief; a man came and tripped up my heels; I told him I was not a thief.

GUILTY.

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. Baron PERRY.*

NUMB. V. PART I.

232. ROBERT COOKSLEY was indicted for stealing, on the 11th of April last, twenty pounds weight of lead, value 3s. belonging to Thomas Hollis, affixed to a building of his, against the statute.

THOMAS HOLLIS *sworn.*

I live at Hammersmith. I lost some lead in the week of the last sessions, I was here on the Jury; it was lost out of a gutter, I cannot tell the quantity; I know nothing of the prisoner.

WILLIAM WADER *sworn.*

I saw the prisoner take some lead from Mr. Hollis's, it was on a Monday, I cannot rightly tell what week it was, it was in April last, between one and two, as the men went to dinner.

Court. Was the house inhabited?—No.

Was the lead affixed to the house or loose?—Affixed to the house.

Did you know the prisoner before?—

Yes.

Can you guess what quantity there was?—No.

Was the man taken with the lead upon him?—No, he sold it in St. Giles's; he told me to stand at one corner, while he went and sold it.

You assisted him in taking it?—No, I did not.

Prosecutor. The prisoner and another man were slaters, and this boy was the labourer.

Wader. He took my apron from another man whom I had lent it to; I did not object to his taking it, nobody was about at that time; he took the lead away in the morning about ten, the other men were backwards at work; he put it into a stable.

Was it one pound of lead?—More than that, it was more than twenty pounds.

Did he give you any part of the money he sold it for?—After he sold it he gave me eighteen pence of the money; I refused it, and told him I would not have it, and he forced into my pocket; my hand was in my pocket.

Prisoner's Council. I take it for granted,

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my young man, that you are perfectly innocent of all this business, yourself?—Yes.

You never was suspected at all?—No.

You had no kind of concern whatever in the transaction, yourself?—No, Sir.

None at all?—None.

Upon your oath?—Yes.

I think you say he insisted on your taking the one shilling and six-pence?—Yes.

Are you sure of it?—Yes.

Do you know a person of the name of Williams?—Yes.

Williams had no concern in this?—None.

He did not persist in your taking it?—No.

Did you never swear that he and Williams forced you to take it?—No, I never have.

You never did?—No.

Prisoner's Counsel. Now here is the examination returned, in which he says he did; you never agreed to take part of what the lead came to?—No, Sir.

How soon did you give an account of this transaction?—Three days; I told one of the men two days afterwards, that works with my master, his name is William Reading.

Did you say, on your examination, that he put it into your pocket, or only that he insisted on your taking it?—He insisted on my taking it.

How many times was you examined?—Twice, first I told him, in the morning, when he went to work, he said there was a pigeon; I asked him what he meant; and he shewed me a great piece of lead on the side of the house, and said that was a pigeon, and he went up and cut several pieces; then he wanted another man and me, and we would not; and when I came back, he had it all down; he threw a tile at me, it did not hit me.

Did you never mention this before three days after?—No.

Why did you not go and give information of the whole transaction immediately?—I did not know where to go; I knew Mr. Hollis, but did not know where he lived.

Had you any conversation with this prisoner previous to his going up the ladder?

—No, Sir.

Had you any conversation with Williams?

—No, Sir.

None at all?—No.

You say, upon your oath, that Williams did not singly insist on your taking the money?—No, Sir, he did not.

And you never swore that they both insisted upon your taking it?—No.

How long have you lived with Mr. Hollis?—A twelvemonth; he employs me still, I told my master of it; I have had conversation with Griffith and Lamb; I told him the same as now, how it happened, and he asked me, and I told Mr. William Reading to tell my master.

What is your master?—A soldier; the prisoner is a soldier too.

Did you never know of any quarrel between your master and this soldier about their work?—No, I never did.

PRISONER'S DEFENCE.

When I went to work his boy mentioned this lead, I told him to have nothing to do with it; he went up and fetched down the lead; I persuaded him ten times; says he, last Saturday at Lord Fyfe's they did so and so, they took ever so much; and he carried it out of Hammer Smith himself, and lent the other his hat.

The prisoner called three witnesses who gave him a good character.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

233. JOHN NORMAN was indicted for stealing, on the 4th of June, one linen handkerchief, value 18d. the property of
The

Thomas Farr, Esq. privily from his person.

(The witnesses examined separately.)

THOMAS FARR, Esq. *sworn.*

I was going to a fire there was in Rosemary-lane, I thought I felt something press against me; I missed my handkerchief; a man said, is not your pocket picked? says he, this is the man that did it; says he, I saw him take a red and white linen handkerchief out of your pocket; I took him to Justice Staples; and as he was going along, a man brought the handkerchief, and said it had been thrown into the cellar; I did not find the handkerchief on the prisoner, it was last Saturday, the 4th of June, between six and seven in the evening.

Then you did not see the handkerchief go out of your pocket?—I thought I felt somebody running against me, I put my hand into my pocket, and missed my handkerchief.

JAMES RADLEY *sworn.*

I never saw the prisoner before last Saturday night; I was going to see the fire in Rosemary-lane, I was desired to watch the prisoner; I saw him try several, and pick a handkerchief out of Mr. Farr's pocket, and put it into his own; I am positive to him, and told Mr. Farr; while I was speaking to Mr. Farr, the handkerchief was dropped; I did not see it dropped; he was searched in about five minutes, nothing was found upon him.

THOMAS DAWSON *sworn.*

I know only that the handkerchief was thrown down into my cellar; my servant delivered it to me.

(Produced and deposed to.)

JOSEPH LANE *sworn.*

I am servant to Mr. Dawson; these two handkerchiefs were thrown down the cellar window, I delivered them to Mr. Dawson; these are like them.

Dawson. I have had them in my custody ever since.

Prisoner. Can you take it upon your conscience to say I threw them down?—I did not see where you threw them down.

PRISONER'S DEFENCE.

Gentlemen of the Court and Jury; I was going down Rosemary-lane to an acquaintance of mine, where I retained and lodged, in Union-street; I happened to see this fire, I heard a great noise about it, which caused me to hurry down Rosemary-lane, where the fire was; when I saw this fire, opposite to the fire there was a great bustle, and in the mean time one of the gentlemen came and laid hold of me, and said, this is the young man; I believe he said, you took a handkerchief out of that gentleman's pocket; he laid hold of me and called for assistance, and searched me; I told him to examine me, the gentleman searched me, and nothing was found upon me; therefore gentlemen, I think it a hard thing that I should be bound into this disgrace, concerning a thing I know nothing about, and I am quite distant from any of my friends; all my friends live in Rotterdam, I lived some time at a shop in Houndsditch, No. 16, where any body may inquire my character; I served very honestly and truly, I never was out at bad hours, in my life. I am quite ignorant of the laws of this nation, I know not what to do at present, I am out of place, I am looking for a place; I have a mother in Rotterdam, I learned a kind of hating-way, which I was able to perform at this gentleman's in Houndsditch.

How long have you been in this country?—I learned English in Holland, I have been here a twelvemonth; I was thinking about learning the painting business.

GUINCY, 10d.

Tried by the first Middlesex Jury before
Mr. Baron PERRY.

234. JAMES

234. JAMES KELLY was indicted for feloniously assaulting, on the King's highway, Richard Levermore, on the 22d of May, and putting him in fear and danger of his life, and feloniously taking from his person, and against his will, one metal watch, value 21s. a metal watch-chain, value 6d. a metal watch-key, value 2d. his property.

(The witnesses examined separately at the request of the prisoner.)

RICHARD LEVERMORE *sworn.*

I was robbed between ten and eleven on the 22d of May, near the upper end of Newtoner's-lane, Drury-lane; the prisoner was the man that robbed me; I was returning from Chancery-lane, going home, and I met three men, and as I passed the end of Newtoner's-lane; two of them met me in front, and the prisoner behind me; the prisoner confined my arms, and the other persons, who was nearest to me, took a metal watch from my fob-pocket; they two then absconded down the lane; the prisoner staid behind, and leaned on a post a few paces off; I believe he was sober, I suppose he staid there in order to shew his innocence; I went to him, and told him I should know him when I saw him again; there was a lamp over his head, and a great light from a cook's shop opposite, and I believe the moon shone, I am not sure; I turned as quick as the prisoner, and another witness saw him also; I am sure the prisoner was one of the three; the watch I valued at one guinea, I never got my watch again, I never saw the other two persons; I found the prisoner the next morning at the Red Hart in Parker's-lane; I went to Bow-street and described the man, and brought the runners with me; I take upon myself now positively to swear to the man; he was searched, and there was three shillings and a knife found upon him.

Prisoner. What coat had I on?—It appeared to be a loose surtout coat, a round hat, and a red handkerchief, the same as those in which he was taken, as I think.

ANN LEVERMORE *sworn.*

I was with the last witness when he was robbed; returning home, three men came up, one behind, and two in front; the one behind confined my brother's hands, while the two before robbed him; the prisoner was one of them, the two in front run away; he that was behind remained some time, and from the good light of an adjacent shop, we could know him again; I am sure the man that stood behind was the prisoner; he did not take him then, because I begged him not, for fear of ill-usage, I am perfectly sure the prisoner was one of the men; my brother never got any of his property again.

MOSES MORANT *sworn.*

I have belonged to Bow-street sixteen or seventeen years. On Monday the 23d I received information from the prosecutor of his being robbed in Newtoner's-lane, I told him to come at eleven, and we went to the Red Hart, and the prosecutor picked out the prisoner, and said he was one that came behind him.

Court. Is that a house of rendezvous for these sort of men?—I cannot say, there are several such houses in that neighbourhood; the prosecutor said he had no doubt of the man, but he would fetch his sister, who had a better sight of him than he had; the sister came, and I took her in without speaking to her, and she picked the prisoner out again a second time. I found no property upon him.

Prisoner. I have nothing to say, only please to call Joseph Kaine.

Joseph Kaine called, but did not answer.

GUILTY, Death.

To prisoner. How old are you?—Between seventeen and sixteen.

Tried by the first Middlesex Jury before Mr. Baron PERRY.

235. RICHARD

235. RICHARD OWEN was indicted for stealing, on the 22d of May last, a silver watch, value 40s. a silver tea-spoon, value 2s. the property of Anthony Winsland.

And JOHN ORFORD and ROBERT KNAPTON were indicted for feloniously receiving the said watch, knowing it to be stolen.

SARAH WINSLAND *sworn.*

I am wife of the prosecutor. The prisoner Richard Owen lodged in my house a week; I live in Castle-lane, Westminster, it was a fortnight ago last Monday; we lost nothing while he lodged there; he came home the Monday afternoon about three o'clock, and he tapped at the door and said, I beg your pardon for being so bold, and he went up to the watch; and asked what it was o'clock, and where the case of the watch was, and I said it was in the drawer; and while he was in the room, there came a hard shower of rain; I had been a washing, I ran to the garden to take in the clothes; on my return I saw him coming from the beaufet, I was rather surprised, I put in seven spoons in the morning, and I missed one, and I saw him look, and he turned out of the door, and I locked the door; I did not miss the watch till an hour after, then I found it was gone, the watch hung by the side of the fire-place, I saw it a very little while before he came in and asked me what it was o'clock, and where the case was; and the watch and spoon were found at the pawnbroker's Mr. Mr. Brown's.

JOHN PRICE *sworn.*

I am servant to Mr. Brown, pawn-broker, Stretton-ground; the spoon was pledged at my master's on the evening of the 23d of May, about seven o'clock; I received it from the prisoner Richard Owen.

(Produced and deposed to.)

JAMES KIMBER *sworn.*

I am servant to Mr. Wright, in Tothill-street, Westminster, I produce a watch

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which I received from the prisoner Orford, and Knapton followed him; he asked half a guinea, and said it was his; I asked his name, and he said Knapton.

Did the other prisoner come with him? — He followed him, and said my name is Knapton, it is mine, I have had it sixteen years.

(Produced and deposed to.)

PRISONER OWEN'S DEFENCE.

I came home to prepare myself for duty at the Bank. I am a hair-dresser, and the prosecutrix asked me to cut her hair once or twice: She asked me that very evening; I said I had sufficient time to cut her hair, and get myself ready; she condescended for me to cut her hair, then she went into the yard to wash herself: first of all she got up, and she said, Owen. I have no halfpence to ask you to drink; I said never mind madam, I have halfpence, I will go and fetch some porter; and during the time I went about two hundred yards to fetch a pint of porter, I was there about five or seven minutes, and when I came back, we drank the pint of porter together, and I took my leave of her; and in going back to this place, to have my hair queued for the bank duty, I picked up this; she called upon me on the Parade; I went to the house, waiting for the hair-dresser to have my hair tied, to the Three Tuns, and met with my comrades; there we had a pint of porter together; I found the spoon about two hundred and fifty yards from the house.

PRISONER ORFORD'S DEFENCE.

We were together at the Three Tuns in Westminster; as I went out Richard Owen came in; they asked me to drink, the tap-room was very full of people; we stopped to the last, and Owen was gone, and I saw Knapton pick up the watch from under the table.

PRISONER KNAPTON'S DEFENCE.

We had been in the Birdcage-walk all the forenoon, trying our new clothing; our

D. comrade

comrade had some money left him, he spent nine shillings; I lent Owen a clean shirt, he came into the Three Tuns, and said he would pay for any thing I chose; after Owen was gone I picked up the watch; Owen sat by the side of me.

RICHARD OWEN,
JOHN ORFORD,
ROBERT KNAPTON, } GUILTY.

*Tried by the first Middlesex Jury before
Mr. Baron PERRY.*

236. WILLIAM HAYNES was indicted for feloniously stealing, on the 21st of May, a watch, inside case and outside case made of silver, value 40s, the goods and chattles of William Jones, in his dwelling-house.

HENRY HOWELL sworn.

I am a pawnbroker. On the 21st of May the prisoner came into my master's Thomas Jones's shop, No. 145, Fleet-street, between ten and eleven o'clock, and asked to look at a watch in the corner-square of the window, marked three guineas; I shewed it him; he asked several questions concerning the going of it, and said, I suppose, for seven or eight minutes, after which he told me to wind it up, and set it; I did so, and gave it him, after which he holds it up to his ear, and in an instant he opened the back-door and ran out; I got after him as the door was going to; I immediately run after him up Wine-office-court, never lost sight of him, and I saw the watchman William Chandler take him: when the watchman took him, I saw him move his arms, and throw the watch into Mess. Faulkner's and Radley's yard, two wine merchants; the watch was not hurt, only the glass broke; I saw it in the garden myself at five o'clock the next morning: I could not get in before.

(The watch produced and deposed to by the maker's name, and by the number being the same on the back of the label.)

What may be the value of the watch?—It cost two guineas.

Prisoner. How many people were in the shop when you missed the watch?—I do not know.

What time was this?—Between ten and eleven.

Was the watch taken out from the window, or from the counter?—I took it from the window.

Have you found the watch?—I have.

Where did you find it?—In Mess. Faulkner and Radley's garden.

Did you see any body put it there?—I did not.

Did you search any place when the watch was first missed?—I could not, because the place was locked.

Did you search no place?—I did not, I searched you.

Did you search no where else, while a person held me by the collar?—No.

Was any present, besides yourself, when the watch was first found?—Yes, there was a lad, John Simmons, who is now at home.

At what time was the watch found?—At five o'clock on Sunday morning.

What was you doing when the watch was first missed?—Shewing it to you.

What reason have you to suppose that I had the watch?—I have witnesses to swear it besides myself.

Do not you think that any one person may resemble another in size, person, or stature?—You never was out of my sight.

Court. Did you lose sight of the man?—I did not.

Are you sure of that?—I insist upon it.

Prisoner. When there was so many people in the shop, how could you tell who took the watch out of the shop?—You had it, and held it up to your ear.

Was the watch in motion?—No.

Not at all?—Not till after I gave it you, when you told me to wind it up and set it to time.

Where did you put it when it was wound up?—Into your hand.

When I was not in your shop?—I am certain you was in the shop.

How

—How many were in the shop besides you?
—Several others were in the shop, but there was no one ran after you, till you was taken by the watchman.

Do not you think that any other person may put it there as well as I?—You never was out of my sight, and I found the watch the next morning near the place where you was taken.

Did you search any person but me?—No.
How many persons were there that saw the watch first found?—One person besides myself.

Did you find any thing in my possession?
—Not on you, I did not.

If you found nothing in my possession, what have you got to alledge against me?—You stole this watch; you stole this watch.

I stole that watch! you found it in my possession, you say?—I saw you throw it away, or at least I saw you move your arms as if you were throwing it away.

How do you know I threw it away, you found nothing in my possession?—I could not observe the watch go, because it was dark.

Fury. Will you take upon you to swear, that the watch you delivered to that young man, is the same watch taken out of Faulkner's and Radley's yard?—I do, I took it up myself.

Court. When did this man come to your shop?—Near eleven on Saturday evening.

Fury. Did you make any minute of the time you picked it up?—I did not.

Court. You have kept it from that time to this?—I have.

JOHN CARNEY *sworn.*

I am an hair-dresser; I was in Mr. Jones's shop when the prisoner came in to purchase the watch; it was taken down and shewn him, and he examined it some time, and closed the watch, and I thought he had settled in himself to purchase it; he stood afterwards for the course of a minute or two, and ran out of the shop; Mr. Jones's man and I run after him, and brought him back from Vine-office-court; I lost sight of him

only while the door was shutting; I saw nothing what became of the watch.

Prisoner. Was you in the shop when the watch was first missed?—I was.

How many people were in the shop?—

Two or three, I am certain there were two.

At what time was the watch missed?—

Very near eleven.

How near?—Very near.

Was the watch taken from the window or counter?—It was taken out of the window, and put into your hands.

Was the watch found again?—It was.

Where?—In Mr. Faulkner's and Radley's yard, over the rails.

Did you see any body put it there?—I did not.

Did any body search any other place?—Wine-office-court was examined.

Who was the first person that found the watch?—The young man that shewed you the watch.

Shewed me the watch!—Yes, you, Sir, I am certain it was you.

Was any other person present at the finding?—I was not present.

What was you doing when the watch was first missed?—I had business there like you.

Did you come there for a watch?—I came there for the business I wanted, and you seemed to come for some purpose.

What reason have you to say that I had the watch?—I saw you carry it out.

What part of the shop was you in?—I was in the shop close to you, and there was two women in the shop at the same time.

Do not you think it possible for one man to resemble another?—I am so certain that I am not mistaken.

Have I any particular marks you know me by?—I know you by your person, and I suppose that is sufficient.

When there were so many people in the shop, how could you tell particularly who took the watch?—There were two women in the shop, and you was the only man besides myself in the shop.

Was the watch in motion?—I saw the young man seemed to set the watch a going. Where

Where was the watch put after that?—
Into your hands.

Why the man must have gone to sleep to put it into my hands; how many people searched for the watch after it was first mis-
sed?—This young man and one watchman.

How many watchmen were in Mr.
Jones's shop?—One.

You found nothing about me?—No, no-
thing.

Do not you think any other person could put it in the yard?—I know you took the watch.

Was any other person searched but me?
—I saw no other person searched.

WILLIAM CHANDLER *sworn.*

I am a watchman, I know nothing of the robbery; I stopped the prisoner on the 21st of May, on Saturday, about eleven o'clock, in Wine-office-court, Fleet-street; I did not see the watch at all. The prisoner is the man I took, he was running along, and upon the alarm of stop thief, I took him prisoner.

Prisoner. What time was it you first saw me?—About five minutes after eleven.

Where did you take me?—In Wine-office-court.

Where did you take me to afterwards?
—I surrendered you up to two young men.

Was not you in Mr. Jones's shop?—I was afterwards.

You searched me?—Yes, slightly, but I ordered you to be taken to the constable.

Have you any reason to believe that I had a watch?—You played with your hands, and the watch was found inside the rails the next morning.

Did not you conduct me to the watch-house that night?—I helped, aided and assisted.

Do you know what time the watch was found?—I do not know, only what I was told.

Was your walk from the corner of Wine-office-court?—It is.

Did you see any watch there; how long might you stop there?—I suppose I stopped there about twenty minutes.

What time did you leave your walk?—
About twenty minutes after four, in broad day-light.

Jury. Did you see the prisoner make any motion with his arms?—No, I did not.

PRISONER'S DEFENCE.

Although my poverty has precluded me the benefit of counsel, yet I thank heaven that that misfortune will be supplied by the humanity of the Judge who tries me; the Jury will observe that I call no person to my character, that the case may be reduced to its own merits; theirs is the character I rely upon; not on my own: On their discernment and not on my own I rely. I sent to none of my friends, because I did not wish them to know the disgraceful situation into which I am plunged; my character is lost by the situation itself: Gentlemen, believe me innocent; I lived till this misfortune by an honest trade, that of a stay-maker, and by that trade I hope to maintain myself as usual, by the favour of your verdict, and the recovery of my usual health and spirits.

The Jury retired for ten minutes, and returned with a verdict,

GUILTY.

Of stealing to the value of 39s.

(Aged 25.)

Transported for seven years.

Tried by the London Jury before

Mr. RECORDER.

237. **RICHARD MARTIN** was indicted for feloniously stealing, on the 28th of May, four ounces of tea, value 12d. the goods of the East India Company.

The case opened by Mr. Garraw.

JOHN TADMIRE *sworn.*

I am a labourer in the East India Company's tea warehouse; the prisoner was a labourer also. On the 28th of May last, I saw

law the prisoner put his hand twice into the chest, and take tea out, and put it under his coat; I gave Mr. Wilson information; he sent for the prisoner to the counting-house.

Mr. Knapp, Prisoner's Counsel. In what situation was the prisoner?—In his working clothes.

You had access to the teas whenever you pleased?—We had been nailing the teas up.

Court. What is it the labourers do about these teas?—The teas are showed before the sale, the brokers come, and the chests are opened for them to take samples, and then a sheet of paper is put over to cover it, and lead over that, and then the wooden lid put on, and then that is nailed down; that is the duty of the labourers.

HOWELL sworn.

I am an officer, I searched the man, and found the tea in a pocket patched to his breeches behind. According to my best recollection there was no hole behind.

(The tea produced.)

Was that tea such as they had on shew at this time?—Certainly it was, but I cannot swear positively it is the Company's tea, it is impossible.

Mr. Knapp. You say positively you cannot say whether that is your tea or not?—I cannot.

Court. Was it a common side-pocket on the breeches?—No, it was a patch behind.

Mr. Knapp. Was this patch to mend the breeches?—I cannot say.

Did it look like it?—I cannot say.

Mr. Garrow. Do you mean to say that it had the least appearance of a patch to mend the garment, or was it a pocket fastened on the outside?—To the best of my recollection, it was a pocket or a patch, outside of the breeches.

Did it appear as if it was to mend them?—All I can say it, it was sewed outside of the breeches.

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With all these number of ounces of tea in it?—Yes.

WILSON sworn.

I am an elder; I look over the labourers. On some information I received, I sent for the prisoner to come down to the counting-house, I asked him, Martin, have you got any tea about you? not to my knowledge, says he; on which I desired him to walk further into the counting-house, and desired Mr. Howell to rub him down, and he could not find any, on which his countenance seemed to clear up; (they are commonly rubbed down by their sides) I desired him to examine him again, and he did; and in coming round the second time, he found it; says he, here is a bulk; on examining this we found a large piece of leather sewed to his waistband of his breeches, sewed quite round, separate from the breeches, and open on the top of the waistband, and in it was that tea: on this he said he was sorry for what he had done, and it was the first time.

Had you at this time any tea of this sort on shew?—A great number, some thousands of chests; it was part of the prisoner's employment to nail up the chests where this sort of tea was.

Mr. Knapp. Was there nothing passed of holding out any favour to the prisoner at the time, to make him confess?—No, nothing at all.

The pocket, whatever it was, was open for any one to see?—No, it was not, till the skirts were taken up.

How long had this man been in the ware-house?—Three years.

I would venture to ask you this question; whether during this time, you had ever reason to suspect him before?—I cannot say I had.

He had been three years however?—Yes, he had.

Court. What had he on when he was brought down to the ware-house?—He had a coat and a great coat on.

Mr. Knapp to the Court. My Lord, we have not had the fact proved, that the

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ware-

ware-house was the property of the East India company.

Mr. Garrow. There is not a single witness, my Lord, that has not stated it.

Court to Mrs. Knapp. Under circumstances of this kind, I think it has been proved; but if it appears a doubtful question, and you wish to ask concerning the fact, let Mr. Tadmire stand up.

Court to Mr. Tadmire. From what ware-house are we to understand that the tea was taken; did it belong to the East India Company?—It did.

PRISONER'S DEFENCE.

I am innocent of putting it in, my Lord.

The prisoner called five witnesses who gave him a good character.

GUILTY.

Whipped.

Tried by the first London Jury before

Mr. RECORDER.

238. **JOHN STEPHENSON** was indicted for feloniously stealing, on the 10th of May last, one pair of sheets, value 8s. two cloth aprons, value 18d. one coloured apron, value 6d. three linen shirts, value 10s. two linen pocket aprons, value 6d. one cotton table cover, value 2d. three linen towels, value 9d. the property of Thomas Thomas.

ELIZABETH THOMAS sworn.

I am wife of Thomas Thomas. On the 10th of May we lost a pair of linen sheets, three shirts, two white aprons, and a coloured apron, two pocket aprons, worth all together, sixteen or seventeen shillings; I was ironing in the room above, when the things were lost; the maid came and called out I was robbed; and I came down stairs and missed the things, some off a horse, and some out of the clothes basket; my servant brought the things back, and the prisoner; her name is Sarah Millery.

SARAH MILLERY sworn.

The prisoner was in our house drinking a

pint of beer: my master keeps the Guy Earl of Warwick in Gray's-inn-lane, a public-house; the prisoner afterwards went backwards into the yard, and when he came back again, he went into the back-parlour, and took those things out, a pair of sheets, three shirts, two aprons, and three linen towels, they were on the horse; he went out of the street-door, and I ran after him; he ran up Gray's-inn-lane, crossed Holborn into Castle-street; I halloo'd out, and he dropped the things just by Magpie-alley, in Castle-street; I picked them up, and Collingridge brought the prisoner to the house: my mistress has had the things ever since.

GEORGE GOODCHILD sworn.

On the 10th of last month, I was looking through my master's shop window, opposite Guy Earl of Warwick, Gray's-inn-lane, and I saw the prisoner run out of the house with his apron full of linen. As soon as he came out, I saw some of the linen drop out of the cloth, and he did not stop to pick them up, from whence I suspected him; I ran out of the shop, and called stop thief; the prisoner ran up Gray's-inn-lane, cross Holborn, up Castle-street; I kept my eye upon him till he got nearly the top of Castle-street, and then he turned the corner of Magpie-alley; and when I got to the corner of Magpie-alley, I saw Collingridge had got the prisoner by the collar; I am positive to the man.

THOMAS COLLINGRIDGE sworn.

I stopped the prisoner in Magpie-alley. I was coming up Holborn, running among the rest, and did not know who the thief was till he dropped the clothes; I pursued him, and caught him. I took him to Bow-street, I took him to the house first, for the woman to go along with us, and there the property was sworn to.

GUILTY. (Aged 24.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

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239. JOSEPH THOMAS was indicted for stealing, on the 30th of May, one handkerchief, value 1s, the property of Samuel Skinner.

SAMUEL SKINNER sworn.

I am a butcher, No. 3, Brooks's-market. On Monday, the 30th of May, between six and seven, coming along Newgate-street, Charles Shipley tapped me on the shoulder, and asked me if I had my handkerchief in my pocket; I said I had not.

CHARLES SHIPLEY sworn. I am porter to Mr. Robinson, skin broker, was going along Newgate-street, and saw the prisoner take the silk handkerchief out of Skinner's pocket, and put it under his jacket; I stopped him, and took the handkerchief from the boy, and he was committed to Newgate.

(The handkerchief produced and put in evidence.)

Guilty.
Transported for seven years.

Tried by the London Jury before

Mr. COMMON SERJEANT.

240. CATHERINE NEALEN was indicted for stealing, on the 30th of April last, a Bath cloak, value 5s, a japan tray, value 1s, a tin tuckspan, value 1d, and various other things, the property of Robert Barclay.

ELIZABETH BARCLAY sworn.

I am wife to Robert Barclay, I live in the lower room; I was gone up stairs, and coming down, I saw the prisoner coming out of my room, with the things; I stopped her, and she said they were her own: my father, Robert Broughton, came to my assistance; we found all the things upon her, and the Bath cloak was hung over her arm; I charged a constable with her, and she was committed.

(The goods produced and deposited to by the prosecutor.)

Fined 1s, and imprisoned for a fortnight.

Tried by the London Jury before

Mr. COMMON SERJEANT.

241. WILLIAM NEWMAN and WILLIAM BOYD were indicted for stealing, on the 14th of May last, a linen handkerchief, value 1s, the goods of James Mackaness, privily from his person.

JAMES MACKANESS sworn.

I am clerk to an attorney in Chancery-lane. The prisoner picked my packet of a handkerchief, on Saturday the 14th of May, between eight and nine in the evening, and was coming down Chancery-lane. I had just made use of my handkerchief, and put it into my pocket, and somebody halted me out stop thief; the boy ran down Chancery-lane, I followed him and stopped him, and the constable secured the other; the one I mean was William Boyd; the constable said, you have lost your handkerchief; I felt and missed it, the handkerchief was found on the prisoner Boyd; the constable showed it to me. He has it now. I had just bought it in Holborn, there was no mark upon it, I am sure it is the same. I have the fellow of it.

JOHN STABLETON sworn.

I am an officer. On the 14th of May in the evening, I was coming down Chancery-lane, about nine o'clock. I observed the two prisoners and another, walking down behind the prosecutor; I had a suspicion they wanted to pick his pocket, I followed them; when they came opposite the New Buildings, I saw the first one (Boyd) take out his handkerchief, and give it to the other one, who put it in his pocket. I immediately crossed the way, and the other, who was behind, run away; I returned immediately.

mediately to Newman, and took the handkerchief out of his pocket; I found another upon him, I secured the two prisoners, I have kept the handkerchief ever since.

(The handkerchief deposed to.)

Prosecutor. I gave eighteen-pence for it.

Prisoner Boyd. I would be glad to go to sea, or any thing.

**WILLIAM NEWMAN, } GUILTY, 10d.
WILLIAM BOYD, }
Transported for seven years.**

Tried by the first Middlesex Jury before
Mr. RECORDER.

**242. ELIZABETH M'CORMACK,
alias BOLTON,** was indicted for feloniously stealing, on the 2d of June, one silver fork, value 11s. the property of Ann Martin, widow.

JOSEPH MARTIN sworn.

I am the son of the prosecutrix, she lives at Knight's-bridge, I live in the house with her; she lost the silver fork to this; the prisoner was cook in the house, this was the second time my mother had taken her, we had a written character with her; I missed the fork on the 2d of June from the closet in the middle parlour; since the robbery she expressed a wish to go. We found it at the pawnbroker's; he is here.

WILLIAM GARNER sworn.

I am a servant to Mr. Sinesa, Covent-Garden; I know the prisoner, I saw her twice; she never pawned any thing with me, she wanted to sell this fork on last Tuesday, the 7th of June, it is a silver fork, broke in two; she asked me if I bought old silver; I said yes; she produced this fork; I suspected it, being broken, and detained her.

CATHERINE WILLIS sworn.

This fork was missed about two, on

Thursday morning, the 2d of June; it is marked with L. M. in a cypher at top, a four-prong fork; on the Wednesday night I put it into the closet myself, and locked the closet-door; the next day the fork was gone, I am sure of it; here is another the same, we have only these two.

PRISONER'S DEFENCE.

Last Wednesday week, at night, Miss brought the knife-box down as usual, and this fork was in it; I put it into a kettle of water, and after washing my dishes put it into the kettle, it went into the sink; one end went in, and I was trying to get it out; it bent, and bent it so that I strove to straighten it, and it broke; and that is the truth; I would have wished to have made it good, and my mistress had hired a cook; then I told her I could not stay; I had a scald in the house, and came out to help her, I never robbed her; I meant to have made the fork good when she paid me my wages; I had all my witnesses here till nine at night; I did not think my trial would come on; I am a poor widow woman with three children.

GUILTY.

She was humbly recommended to the Court for mercy by the Jury.

Court to Prisoner. There is a considerable degree of aggravation in your offence; for though you have only stolen a silver fork, you have stolen the property of your mistress; but the Jury having recommended you to mercy, I think it right to pay attention to that recommendation, in hopes you will remember how kindly you have been treated by an English Jury; so that your sentence is,

To be confined one month in Newgate and fined 1s.

Tried by the first Middlesex Jury before
Mr. RECORDER.

243. WIL-

243. WILLIAM SULLIVAN was indicted for stealing, on the 1st of May, a wooden measure, called a peck, value 12d. a half-peck, value 6d. and a shovel, value 12d. the property of Joseph Olive.

(The prisoner was taken in the passage, with the measures.)

GUILTY.

Fined 1s. and imprisoned one month.

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

244. JOHN JENKINS was indicted for feloniously stealing, on the 1st of April, thirty-two yards of Scotch linen, value 20s. four kerseymere shapes for waistcoats, value 20s. twelve cloaks, value 4l. fifteen yards of woollen cloth, called swan-down, value 4l. twelve yards of kerseymere, value 40s. six yards of duck, value 6s. twenty yards of Irish linen, value 20s. forty yards of muslin, value 10l. twenty-six yards of Irish buckram, value 20s. eleven night-caps, value 11s. two yards of cloth, value 12s. one hundred and forty-four waistcoat buttons, value 5s. one hundred and sixty yards of black lace, value 8l. fourteen yards of silk florentine, value 5l. twelve yards of thread fringe, value 15s. fifteen pieces of Nankeen, value 4l. and one hundred and forty-four bed laces, value 9s. the property of Samuel Nicholson and Robert Harrison, in the dwelling-house of the said Samuel Nicholson.

A second Count, charging him with stealing the same property in the dwelling-house of the said Samuel Nicholson and Robert Harrison.

(The case was opened by Mr. Garrow.)

THOMAS WHITEMAN sworn.

I am employed by Messrs. Nicholson and Harrison as a traveller in the country: the prisoner at the bar was their porter. In consequence of Mr. Nicholson's desire, and a suspicion which he had, I went down to

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Wells, and after some inquiry I found the prisoner at the house of Jacob Bartlett, a farrier, in Wells; I procured a search-warrant, to search Bartlett's house: when I went in, I inquired for the prisoner, and was informed he was below stairs in the kitchen, under ground: I sent down, in order to speak with him, but he would not come up; I went down, having assistance with me, and told the prisoner I had got a search-warrant to search the house, respecting a parcel of goods which had come down, which were suspected to belong to the prosecutor; he affected to know nothing about the matter; I do not recollect the words he said; upon that I observed to the constable and the vergers, who were with me, that we had better go up stairs, and search there: when we got up stairs, on the first floor, we found a trunk, which we searched; (the prisoner staid below stairs;) I do not recollect whether it was locked or no; in this trunk I found a great many suspicious goods, which I suspected might be the property of Messrs. Nicholson and Harrison; in the same trunk also were many of the clothes of the woman who cohabited with the prisoner. By this time there was word brought up stairs that the prisoner had made his escape: there was a young man with me of the name of Nesbitt; says I, Nesbitt, do you go after him, I cannot leave the house: after that, I went into another room on the same floor, a back room and a bed-room, in which the woman who went by the name of Jenkins at that time was.

Had you known her in London?—I had not. In the corner of the room were four or five boxes, some of which were locked; I asked the woman for the keys, which she readily gave; in these boxes I found a great many haberdashery goods; and at the foot of the bed, at the window, lay a chest; and I asked her for the key of that, and that I did not immediately procure: we got removing some part of these goods to the mayor's house: during this time, I set a man, in one room, to watch what goods I had there; and when I came back, I found this chest, which I had before left sound,

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broke.

broke at its hinges; I looked into it, and I saw clothes in it, it was not quite empty; and we went on to search again, and went up the second pair of stairs, and there we searched the bed; and between the bed-clothes we found a great deal of sewing silk loose, in skains, about ten or twelve pound weight: then we came down to the bedroom, on the first floor; in a box, at the foot of the bed, not the chest, we found several more modes and Persians, in half or quarter pieces, quite new: then we proceeded to search the cellar again; or, as it may be called, the kitchen; the place where we first went; there we found some black lace and some Persian, just put on a shelf, put out of the way, in a place where they were liable to be spoiled: these goods were conveyed to the mayor; a part of which I proved to be the property of Messrs. Nicholson and Harrison, by their marks; I cannot swear to all, but I swear to some by the private marks of the prosecutor: the examination took place before the mayor, and Mr. Lovell, a justice; he was asked how he came by those goods I pointed out; he said he knew nothing at all about them: the mayor then enumerated several other articles, which are now produced; he said he bought them of the Jews; some others he said he had bought on board a ship, and pointed at the Nankeens.——

[*Mr. Fielding, Prisoner's Counsel*, moved the Court, that, before any further proceedings were gone into upon this trial, a felony should be proved. This was objected to by Mr. Garrow, as he conceived he had a right to carry on the prosecution in his own way; and if, at length, a felony was proved, it was sufficient. Mr. Fielding's objection was over-ruled, and Mr. Garrow directed to proceed, by the Court. The examination of the witness was then continued]

Whiteman. He was afterwards committed.

Have you since examined into the Nankeens which he stated he had bought on board a ship?—We generally tie up the Nankeens in bundles of ten pieces in each bundle, and we mark the outermost of

them; one of these was marked by Mr. Nicholson himself.

Is there any regular course of their trade by which such goods are carried on board a ship?—No, not Nankeens; their trade is principally in the country.

Have you looked at any other articles; were there any marks on those which he said he bought of the Jews?—Yes, on two pieces of Scotch linen.

Are those the linens without stiffenings?—Yes.

Did you ever sell linen in that state?—No.

Then you was not present at the time the prisoner was taken?—I was not. (*Some goods the witness selected before the mayor of Wells, and deposed to then, were now produced.*) All these he said he knew nothing of; I found them with the other things which he said he had of the Jews, and bought on board of ship.

Did you find any cloaks?—Yes, scarlet ones; and at the mayor's he desired me, when I wrote home to Mr. Nicholson, to be as favourable as possible to him.

Did you give him any reason to expect he would be at all benefitted by making this confession?—I did not.

Did you threaten him?—I did not; I do not know I said any thing.

Mr. Fielding. There was one word you made use of, and very properly, and that was, that you do not know you made use of any inducement to make him say what he did?—I do not recollect what I said to him; I cannot swear I did not; for I forget what I said, as to the words.

You live with the prosecutors, Messrs. Nicholson and Harrison, as a rider?—I do.

In that employ you are mostly out of town?—I am.

It is not your business to transact the business of the shop?—I do frequently, when I am in town.

How long have you lived with Messrs. Nicholson and Harrison?—Since September last.

Of course, then, it is only from September last you can speak to the marks used

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in this firm; what part of that time have you been in the country?—I do not suppose above five weeks in the house.

Five weeks, taken at different times?—Yes.

Then five taken altogether, at different times, is all the time that you have had opportunity of knowing the marks?—By no means; for I take patterns, that are marked, out with me.

How many people does Mr. Nicholson deal with in Somersetshire?—In Somersetshire there are many customers.

When you came into the house first, there were a great number of goods made up, with marks on them?—Undoubtedly there were.

They did not vary the marks at all?—I do not know they did.

So that goods sent out last month, or those that came out a twelvemonth ago, would be marked in one and the same manner?—Yes.

Do you know Mr. Scott?—Mr. Scott was a warehouseman to Mr. Nicholson when I first came into employ.

These Nankeens the mayor did not ask any question upon them?—The mayor enumerated the article of Nankeen.

Was that bundle of Nankeen produced and put before the prisoner?—All that the mayor asked was on the different goods that were there; the mayor asked the question; there are Nankeens, and several other articles, where did you get these?

He did not put any distinct question on that bundle of Nankeens?—No, not as to the producing of them before him.

Now then, when you went down to the house of Mr. Bartlett, you seem to have made the search immediately on your entering?—No, we went down into the kitchen below first, and there he was.

You got an easy access to the house?—Yes.

And was let in immediately?—Yes.

I believe, when you took away these goods from Mr. Bartlett's, you likewise took away a quantity of goods that were certainly not with any mark of Mr. Nicholson's; India

goods, smuggled goods?—I do not know; I cannot swear to India goods.

They were goods, however, in this way of business, that you had not the least suspicion of their belonging to Mr. Nicholson?

Mr. Garrow. You do not mean to say that?—I did not mean to take any thing that I did not suppose or believe belonged to Mr. Nicholson, although I took away many goods that were not marked.

Jury. I think you said Mr. Nicholson never exported Nankeens?—Never, to my knowledge.

SAMUEL NICHOLSON *sworn.*

My partner's name is Robert Harrison: I am an wholesale haberdasher, in Cateaton-street: I have the dwelling-house; my partner does not live there, but he bears the expences of the house equally: the prisoner at the bar was in my service about four years; he was a very useful man, and was employed in the silk wrappers.

Did you employ the woman that you thought was his wife?—She was employed for a considerable time to make up scarlet cardinals, and hats, which we sold both abroad and at home; the man had so much the good opinion of us, that he used to take the cloth home, and cut it up at his own house, and the woman made them up.

When did the prisoner leave your service?—On the 25th of March: he applied to me to make him a warehouseman; as he was in every respect a very useful man, I told him, if you could any way try to write, I should give you the preference to any man I know: he told me he intended to try for such a place; I told him, I would have you to consider that you have a very advantageous place, and, added to that, your wife has work; and, if it is wages you want, four or five guineas a year more shall make no difference, for I will give it you: after two or three days, he said he would quit the place, and go and learn to write, and fit himself for a better place.

Did he intimate to you any intention of leaving London, and taking his wife with him?—No; but, on the contrary, begged

she might work for the house as she used to do; and a few days afterwards we had occasion to send to employ her: on inquiry, the house was found shut up, and he had left the place, having quitted it with great caution.

How soon after this was it you discovered he was at Wells?—About ten days or a fortnight before Mr. Whiteman went down. On finding he had quitted the town in that way, I thought it necessary to inquire more particularly what the neighbours would say, from which I had reason to believe that he was at Wells; in consequence of which I directed Mr. Whiteman to go down.

Have you since looked over any of these articles which are produced?—Here are forty-six yards black lace, I can swear to the mark on the card, it cost 2s. 8d. per yard; here are sixteen yards of Scotch linen, cost 10½d. per yard, an article bought in a state to be stiffened by me into buckram, and not at all saleable.

Did you ever sell any in that state?—No, except to one country customer at Norwich, and that must be at least two years ago. Here is another piece of buckram, cost 10½d. per yard; here is another piece of Scotch linen, unstiffened, of the same value of the former, 10½d.; here are forty-two yards of black lace, which have my own mark upon them, at 2s. 3d. per yard; here are thirty-eight yards and a half of black lace, at 15d. per yard; here are twenty-six yards of Irish linen, in an unstiffened state, at 12d. per yard; we have never sold any of this quality in that state.

Have you any doubt about that linen being your property?—I have not the smallest doubt of it.

Court. What is it worth?—Twenty-six shillings.

Mr. Garrow. What is the course of your trade respecting Nankeens?—Chiefly the country trade; and, in case of Nankeens going for exportation, they go without any mark upon them, with the other goods, on board of ship.

Are these Nankeens marked?—They are, one of them.

Then you are able to say, for a certainty, that that never was intended for your export trade?—I can beyond a doubt.

Whose marking is it upon these Nankeens?—These Nankeens have my mark, with my own hand-writing.

What is that piece worth?—About six shillings, or five shillings and sixpence.

What may be the value of all the property which you believe to be yours?—I did not make an estimate, but I believe it somewhere better than 200l.

Upon looking at them, are you able to say that you have a strong belief that they have been your property?—I have, most certainly.

Now I will ask you a question; are you able, by any examination into the state of your affairs, to say whether you have been robbed or not robbed?—Our gross profits have been less for two or three years back, and I had reason to suspect that some one or other had robbed us.

That we may go to the whole fact, are you able to say that any particular piece, of Nankeen, or silk, or any other of the articles there, has been missed?—It is impossible I can, in my business; I am not able to say as to one article.

[*Mr. Fielding submitted to the Court that they would not call upon the prisoner for his defence; Mr. Garrow objected; and the Court allowed the objection.*]

Court. As to the Nankeen, that is certainly evidence for the consideration; but, as to the general evidence which has been given in this case, there is nothing at all applicable.

Mr. Fielding to Mr. Nicholson. You say there is a piece of Irish linen you never sell in that state?—Yes, there is, and it has my own mark upon it.

Can you say that Nankeen to be yours?—I say it was mine, and I think it is mine.

— SCOTT sworn.

I am employed by Messrs. Nicholson and Harrison, as a warehouseman.

Do you remember any night-caps being made for a customer?—They were bought for

for a customer, and returned by that customer to our house.

Were such ever sold by the trade?—No.

Were they afterwards missing?—They were.

Did you find these night-caps on examining your stock?—They are amongst these articles.

(The night-caps produced.)

Did you ever sell such night-caps in your shop?—No, never in my life.

They ought still to be in your stock?—They ought.

What do you know of these kerseymere waistcoats?—They are damaged in the printing, and returned; and therefore I believe they were never sold; and they are not in our stock now, where they ought to be; because, being damaged, they are unsaleable.

To Mr. Nicholson. Why are they not saleable?—Because the colour of the spots and stripes is run into the ground.

What was the wages of this man?—Half a guinea a week.

How much might he make of his situation altogether?—Sixty or eighty pounds a year.

Mr. Fielding to — Scott. How many lived in the house of Mr. Nicholson altogether?—Five altogether, exclusive of Mr. Nicholson and Mr. Harrison.

Are you the sixth?—No, I am the fifth.

What is your employ?—My employ is to prepare the goods for orders.

Then you yourself do not make any bargain of sale with the different customers of Messrs. Nicholson and Harrison?—Sometimes I do.

Did you ever sell goods yourself?—I have.

Did you order goods without their knowledge?—I have.

Have you ever sold any goods to the prisoner at the bar?—I have frequently let him have goods.

How did he pay for those goods?—He allowed for them out of his wages.

Can you say whether you ever sold him a kerseymere waistcoat?—I believe I have sold him one waistcoat.

NUMB. V. PART I.

Do not you know that you have frequently let him have goods, and he was to pay for them out of the deduction of his wages?—Some goods he has had.

He used often to have small articles, and allow for them out of his wages?—That was very seldom the case.

Did you know the wife, or the woman he lived with?—Yes.

She was employed in making up cloaks?—She was.

Some goods then you have let him have?—I have.

Did you live in the house all the time he was there?—I was in the country about four months.

You might have sold many articles that Mr. Harrison and Mr. Nicholson might not know any thing of, except by your account?—Certainly I might.

You therefore have taken many goods out of the shop, have determined on the sale, made the agreement yourself, without the interference of your masters; so that it might have happened, that many of these articles, so sold by you, would not have been known by them as sold, unless Mr. Nicholson or Mr. Harrison should come to the spot and make the search; they could only rely on your account?—Certainly.

Mr. Garrow. My learned friend, by repeating it so often, has made it appear that you might have sold many articles to this man; how much might you have sold to him altogether?—About two guineas worth.

Were they things to sell, or for his own use?—For his own use, or his wife's.

Did you ever see him wear it afterwards?—I believe I have.

Did you ever sell him more than one waistcoat-shape?—I cannot positively say.

Had you any conception that he was going into trade that required such a stock as this?—I had not.

Did you ever sell him any quantity of sewing silk?—Never.

Any buckram?—Never.

Any Irish linen in an unfinished state?—Never.

Any night-caps?—Never.

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— LUMBLY *sworn.*
I left the night caps at Mr. Nicholson's when I left Mr. Nicholson's; which was before this transaction took place.

— PALMER *sworn.*
I am the constable of Wells: the account, as given by Mr. Whiteman, of finding these things, is true: I went in pursuit of the prisoner, and found him standing still, near the Hovel-house, about half a mile from Wells, and about a hundred people about him.

JACOB BARTLETT *sworn.*
I was at my house at Wells when they came to search.

How long had these boxes and trunks been at your house?—One had been some time before he came down; and two more came down with him; what was in them I did not know; I never saw what was in them till I saw them before the mayor.

When he came down to Wells, had you and he any talk about the goods to which this letter relates? (*A letter produced.*) Did he inquire whether any boxes had come down before him?—He did; I had had advice, by letter, they were to come.

Is that the letter that brought the advice?—I cannot say, unless I read it.

In whose bed-room was it the chest was found?—In the room the prisoner lay in.

Do you know of any money he had when he first came down?—I know he had money, five or six and twenty pounds, or more.

What did he come down into your country for?—My wife died, and I thought that my daughter could mind my house; and, as I heard he was a young active man, I could learn him my branch of business, especially as I was in low circumstances.

Then when he came down what steps did he take for that end?—He paid the most of my debts; I owed, I believe, fourteen pounds, and was afraid of being arrested; and he laid me in a stock of leather besides, about five pounds worth or thereabouts.

How long had this partnership been thought of before he came down?—I suppose very handy on a twelvemonth.

How often, during that twelve months, did you receive goods of him?—I never received any thing but one box.

Some of these goods came to you by this letter, dated in February, 1789?—That was the first box that came down.

(*The letter read by the clerk.*)

Prisoner. I leave it to my counsel.

— LAMB *sworn.*
I live in Chiswell-street: the prisoner was a servant of mine about five years ago; he lived three or four months with me; I likewise gave him a character to Mr. Nicholson: I believe him to be a very good servant.

GUILTY, 39s.

Transported for seven years.

Tried by the London Jury before
Mr. RECORDER.

245. THOMAS UNDERWOOD, and JOSEPH WOOD were indicted for feloniously assaulting on the King's highway, William Beadle, on the 17th of May, putting him in fear and danger of his life, and feloniously taking from his person and against his will, one canvas jacket, value 6d. one linen waistcoat, value 6d. a shirt, value 12d. one pair of trowsers, value 12d. and ten halfpence, his property.

WILLIAM BEADLE.

Court to Beadle. What age are you?—Fifteen.

Are you acquainted with the nature of an oath; supposing you do not speak what is true now, in the testimony you are going to give against the prisoners at the bar, what will become of you?—I shall go to hell, my Lord.

WILLIAM BEADLE *sworn.*

On the 17th of May, did you see the prisoners at the bar, or either of them?—Yes, I saw them both; I was on the other side of London-bridge; I never was in London

London before, I was asking for a lodging, and they brought me over to Saltpetre-bank, it was past six in the evening; then they knocked me down, took my money out of my pocket, and took my clothes which I had in a bundle; I lost five-pence: the clothes consisted of a jacket, a waistcoat, a shirt, and a pair of trowsers; I am very sure of the prisoners, I never saw them before, I never was in London before; my clothes were found on Joseph Wood, he was in a shop selling them in Rosemary-lane; a gentleman went and caught him, I was in the shop, and saw them there myself.

JOSEPH WEST *sworn.*

I am an officer, I produce the clothes; at ten at night Underwood was brought to me by the prosecutor and the other witnesses, and I went in search of Wood on his information, and found him in a shop selling the clothes; I took the clothes from him in the shop, and took him into custody; the clothes have been in my custody ever since.

(Deposed to.)

MATTHIAS TURTLE *sworn.*

As I was coming home from work, I came up Saltpetre-bank, I heard murder cried three times; the boy said he was a stranger, had been robbed, and was paid off; I was going to my lodgings in Rosemary-lane, I saw Wood with the property, and Underwood with him; I took Underwood to West the officer, Wood ran away with the property, and West and me went to look for him, and found him in a barber's shop, just by the deal-yard in Rosemary-lane, selling the property.

GERRARD PROUDFOOT *sworn.*

I never saw the prisoners before the night of the robbery, to my knowledge; I was coming down Rosemary-lane, between nine and ten; and at the corner of Mr. Madox's timber-yard, I saw a number of people assembled; I asked what was the matter; the prosecutor told me: I said, any man is an officer to take a felon: I imme-

diately took him in charge, it was about ten, and at eleven the same evening, we saw the prisoner Wood at a clothes shop, near to the place where I took the first man, disposing of the things for sale; I was in company with West, I cannot rightly say the name of the people that kept the shop, they were Jews; I am quite sure it was Wood, when I went into the shop.

**PRISONER UNDERWOOD'S
DEFENCE.**

I know nothing of the lad, I never saw him before.

PRISONER WOOD'S DEFENCE.

I was along with the lad, he asked me to go along with him; I went very near as far as Deptford, and he said he would be very glad to go back to the lodgings; at Saltpetre-bank three lads stopped him, some of the lads run past me, and shoved the bundle away, and I picked it up.

Prosecutor. It was the two prisoners, and Underwood put his hand in my pocket, and stopped my mouth, that I assure you.

**THO. UNDERWOOD, }
JOSEPH WOOD, } GUILTY, Death.**

*Tried by the second Middlesex Jury before
Mr. Baron PERRY.*

246. **WILLIAM BATES, STEPHEN MACAWAY, and EDWARD GILLIKEY** were indicted for feloniously assaulting Robert Adair, Esq. on the King's highway, on the 2d of June, putting him in fear and danger of his life, and feloniously taking from his person, and against his will, a watch made of gold, value 40l. a gold chain, value 5l. a cornelian stone seal set in gold, value 20s. a gold key, value 5s. an iron key, value 1s. a leather purse, value 6d. and six guineas his property; and a bank note, value 10l. the sum of ten pounds secured thereby, then due and unsatisfied to him, against the form

of

of the statute, and against the King's peace.

The case opened Mr. Garrow.

ROBERT ADAIR, Esq. sworn.

On the 2d of this month I was returning from London to Endfield-highway; about ten in the evening, near the eight-mile-stone, I was in a coach, accompanied by two ladies, and two children, and was stopped near the eight-mile stone, by three men armed with pistols and a cutlafs, three footpads; one came on each side of the carriage, and the other went up to the horse's head; I did not at the time see him go up, they first directed us to get out of the carriage, but did not enforce the order; they opened the doors and mounted on the steps, demanding our watches and monies; it was not so light as to be able to see very distinctly; they took from me a gold watch, a gold chain and seal with coat of arms, and key; a purse containing a bank note of ten pounds, and six guineas in cash, and an iron patent key to an escrutoire, contained in a leather purse: I saw one of the ladies give something; the rest is hearsay. After the robbery they dropped from the side, and left the door opened; I saw no more of them: They swore a good deal, and used intimidating and gross language, but no other bad usage; there was a cart which I got behind, and I saw them no more. One of them gave one of the horses a blow; we proceeded to Ponder's-end, where there was some of the militia, we sent them to pursue them, they returned without success. We went to Endfield-highway, I went to the ale-house, and sent for the constable, I ordered my groom to go with him to town, to lodge an information at Justice Spiller's, and also at Bow-street: the officer's name was George Law, my Groom's name is Joseph Goulard.

Mr. Schoen, one of the Prisoners' Counsel. It was so dark, Sir, you could not see distinctly?—I could not.

To Mrs. Bristow. Was you in the carriage at the same time Mr. Adair was robbed, Madam?—Yes, I was.

Did you lose any thing?—Yes.

Mr. Schoen. I object to this; that is the subject of another criminal charge in this court, and I am sure on having an opportunity, by another indictment which lays before you, of inquiring into the loss of Mrs. Bristow will not multiply charges on this indictment; she has a charge before the Court, that is before you and the Jury to decide, and regularly, whatever she has lost, is the subject of inquiry on that charge.

Court. What her evidence will be, I do not at present know; but in the present opening, it seems to me it will be material; the articles were afterwards found in the chaise, in which the prisoners were, and will have an influence on this trial.

Mr. Garrow. You lost your watch, Madam?—Yes.

Have you seen that watch since?—Yes.

(The watch produced and deposited to.)

Mr. Knapp, another of the Prisoners' Counsel. It is not evidence at all for her to prove her property.

Mr. Schoen. Have you had that watch long?—About nine months.

Are you able to ascertain the number?

—No.

Nor the maker's name?—No; it is a silver watch gilt, the chain and the seal, from the appearance of them all together, I can say I had such; it is a small antique; I had such an one,

GEORGE LAW, sworn.

What are you?—I am by trade an hair-dresser and barber, and constable of Endfield-highway. I was sent for to Mr. Adair at the King's-arms, I went with his groom Joseph Goulard in search of three men; I hired a post-chaise, the lad drove with reins in the manner of a return, and the groom with him, I was inside; I told him if he saw any body, to call out, London hoy; we saw three men before us at the bill that rises to Tottenham High-cross; I told the lad to draw on the near side of the people on

on foot, and they said, are you hired? he said no: they said, what shall we give you to ride to town? he said eighteen-pence a piece; they said they would give two shillings; he made them answer, that was too little; he said get up; I opened the chaise door, I said, young men, I will get out; they said, no, Sir, do not by any means; I said yes, I have my dog with me, and I will get out; so I got, and they got in, and I got on the bar by the postboy and groom, and I fell a singing, and the groom sung likewise; I says to the groom, I shall be at home before you: and he said his wife would be angry with him, and we went on gently as far as the sign of the Ship; I said to the man I will get down, it is very heavy driving, here is a shilling for you; he stopped for a minute by way of excuse, and the chaise came up to the turnpike; he opened the gate, and let the horses just through, and I took them all three in my arms, and said, you are all my prisoners: I secured them, and never parted with them till they were committed; I first insisted on searching them, and they gave me some very rough language, that I should not search them, they had done nothing bad, and they would not be searched by me, unless I shewed them my authority; then they said I should search them, which I did as well as I could, and they got out one at a time; at last Bates said he would get out, and the groom was with a stick at one door, and the post-boy at the other. I searched Bates, but found nothing particular on him; then there came up three gentlemen and assisted us; then Gillekey came out second, and Mr. Lindo got into the chaise, and delivered to me these two watches; they are the same I received from him, there was a brace of pistols brought in by somebody at the gate, they told me they brought them out of the chaise, they were not loaded, and these pieces of a bullet I found in Bates's breeches pocket; a guinea dropped when I was searching Mackaway, but I cannot say where it dropped from; no more money was found on them that night, only six pence. When they were searched on Friday morning, six guineas

NUMB. V. PART I.

and a half in a bag, was found upon Mackaway.

Mr. Knapp. How far is Tottenham-High-croft to the place where you took the chaise?—It is more than four miles.

How soon after you took the chaise, did you come up to the persons you describe?—As near as I can guess, it was three quarters of an hour, or an hour.

Perhaps you might have got three or four miles further?—I do not know, I am not used to these things. I have had the watches ever since I took them before the Justice.

GEORGE CLAYTON *sworn.*

I am servant to Mr. Dundas. On the 2d of June I was driving my coach on the road to Enfield-Highway, about ten in the evening, much about the eight-mile-stone, three men met me; I saw them seven or eight yards before me, they came to my horses heads, and said stop, stop! damn your eyes stop, or I will blow your brains out; I did not stop immediately; but one of them was separate from the other two, he went right before the horses heads, caught hold of the near-horse's bridle, and said, if you do not stop, I will blow your brains out; the other went up to rob the passengers; and after they had done, there was some signal given, and he that had hold of my horse, gave him a cut with a stick, and let him go; says he, damn your eyes, drive on, or I will blow your brains out.

Was you able to discern their persons?—One of them, the man on the right hand, that is Bates, he had hold of my horses, and presented the pistol to me.

Are you sure he is the man that stood at the horse's head?—That is the man that stood at the horse's head.

Are you sure of it?—I am certain of it.

Court. Have you seen him any where any time before?—I have seen him several times before, but I cannot recollect where.

Are you now certain that is the person?—That is the man who had hold of my horse's head.

Mr. Schoen. Mr. Clayton, as you have ventured to say you have seen this man be-

H

fore,

fore, and as there is a reward in this case, I think that you should tell us, where you have seen him; because if you do not do that, we shall give no credit to your having seen him at all?—I cannot say where I have seen him in particular.

Will you venture to swear, you ever saw him before?—No, my Lord, I will not swear to that.

Now, a little as to this night; this was ten in the evening, and as we have heard from your master, whom I would rather trust than you, it was a dark evening, he says he could not see?—It was so light, that I could see him perfectly well.

Had this man on a round or a cocked hat?—He had a round hat on; he was at my near horse's head.

Now I will venture to ask you, do you venture to swear to him, from a supposition of having seen him before, which you cannot prove; or whether you had at that light such a distinct view of him to know him again?—I had a distinct view of him.

How long did this transaction take up?—About eight or ten minutes.

Now, as to his coat, will you venture to swear that his coat was not a black one?—Yes.

It was not a blue coat?—No.

It was not brown?—It was a dark drab colour.

That you could see at ten at night?—Yes.

As well as you could see his face?—Between the two.

You say this was ten or twelve minutes?—Yes.

As we have heard the transaction stated, it does not appear to me that it would take up so much time; was it five minutes?—It was more than five minutes.

Was it seven minutes?—Yes.

Court. During the time this man stood at the head of the horses, your attention, I suppose, must be engaged entirely in observing him and no other object?—I had him under my eye, for I was afraid to look off him, for fear of having my brains blown out.

Therefore your observation was confined

to his person?—My eye was particularly upon him.

Can you venture to swear positively, that that man you speak of now, was at your horse's head, from the observation you made at the time?—Yes, he is the very man that was at the head of my horses.

Unassisted from any observation you made of him before?—Yes.

JOSEPH GOWLAND *sworn.*

I am groom to Mr. Adair, I was with the postchaise in pursuing these people, I got some information of them at the Golden Fleece, I came up to them on this side the Ship at Tottenham.

What passed on your coming up?—Before we came within thirty yards, we cried London, hoy, for to take up passengers; when we came along-side of them, they halloo'd out, and asked what he would take for them to Shoreditch; the boy said eighteen-pence a piece; they said that was too much, the boy agreed to take two shillings; the constable came out; they said, do not let us disturb you; they got in, and the constable got out, and pretended to give him a shilling, and bade us all a good night, and we wished him a good night; we staid a little that the constable might get on; the gates flew open, I saw no person at the gates; as soon as we got half way through, the constable stopped the chaise, and took the three young men; the prisoners are the three young men; I saw the pistols, a gentleman, Mr. Lindo, brought the pistols first, and then the two watches.

Mr. Knapp. What time was this?—To the best of my remembrance, it might be between eleven and twelve.

How far off the turnpike from Tottenham-high-crofs?—I really cannot say, from Enfield Highway I believe it is five miles, as nigh as I can guess; it was half after eleven or twelve before we finished the job.

ISAAC LINDO *sworn.*

I came up to the turnpike when the chaise came up, I got into the chaise as the third man was getting out, and found a brace of pistols

pistols in the front pocket, and I found two watches close together under the cushion of the seat; I delivered the pistols to the post-chaife-boy: when I found the watches, I carried them in my hand till I got into the turnpike-house; then I took down their numbers, and delivered them to Mr. Law, they were the same watches which I found in the chaife.

Mr. Schoen. You know pistols are commonly put into the pockets of a chaife?—Yes.

In travelling, is it not a very common thing to take the watch out of your pocket, and put it into a place of security?—I never did myself.

Have you ever travelled at night?—I have all hours.

Can you judge what other people do?—No, I cannot; as I never did it, I suppose they do not.

Do you mean to answer me?—I do upon my oath; I never knew that any body did do it, and therefore I must suppose they do not do it; I never heard of any person who hid a watch in my life.

Mr. Garrow. Do not be alarmed, you are just in the same situation with me, for I never did neither.

(The watch deposited to by Mr. Adair.)

Mr. Adair. It is a new watch which I have had by me some time, it is scratched in the opening, which I observed before I lost it: it has my seal of arms to it.

Mr. Garrow. Had you been into this post-chaife, and hid your watch?—No, I had not.

Mr. Schoen. You do not know the number of this watch?—No, I do not, I have not had it above nine months.

It is a very common watch?—It is a very dear one, it cost me forty-seven guineas.

You do not mean by saying it is a dear one, that it is an uncommon one?—No.

THOMAS LEE sworn.

You went with this chaife?—Yes.

Did you search the chaife before you set out?—Yes.

Was there any pistols in the pockets?—No.

Any watches under the cushions?—None at all, I turned the cushions.

When you came towards the hill, did you see any body?—We came up with three men about one hundred yards on this side the ship; I saw them in going along the road, and halloo'd out, London, hoy, once or twice; and they said, stop, my lad, are you going to town? and they asked me if I would take them to town; I said yes, at one shilling a piece: the tall one said, I cannot afford a shilling a piece, we will give you two shillings for the three; well then, says I, jump in, somebody that can afford must pay another time; Law got out, they would not have had him: he said he was going to Stamford-hill, he got out there, when he came to the turnpike gate, and halloo'd out gate, I drove the horses through, the constable came and opened the chaife door, and clapped his hands round them, and said, you are all three my prisoners; the constable said, I know it very well my lads, I hired the chaife for you, I had a suspicion of you; they said they would not get out, they would be searched in the chaife; he could not search them properly, so the groom said, he insisted on the constable doing his duty, and they were searched, one at a time, in the turnpike house. This gentleman, Mr. Lindo, jumped into the chaife, and I with him, as close as I could, he put his hand into the pocket of the chaife, and gave me a brace of pistols; I delivered them to Law, they were the same I saw Mr. Lindo find in the pocket of the chaife, which he delivered me; and then he got the watches, and I delivered them to Mr. Law.

Mr. Knapp. Do you search your chaife in general?—When we deliver a gentleman we sometimes search when we come in, and sometimes when we go out.

You did not find any watches in the last journey?—No, I searched for my short whip.

JOHN

JOHN ARMSTRONG *sworn.*

I was present, and searched the prisoners at the office at Shoreditch; I found seven guineas and a half upon Mackaway, and three guineas on Bates, and nothing on the other.

Mr. Schoen. You knew that these men were searched the day before?—Yes.

Do not you, who have long been an officer, know, that if they had had a mind to have got away any thing, they had an opportunity?—I do not say but they might.

Court. Were they in custody all night before they were brought to the Justice's?—Yes, they were brought early in the morning to Shoreditch, and I let the officer, being fatigued, be in the watch-house with them; they have not been in my custody, from the time they were first apprehended.

Prisoner Bates. I leave it to my Counsel.

Prisoner Mackaway. I leave to my Counsel.

Prisoner Gillikey. I leave it to my Counsel.

EDWARD SANDERS *sworn.*

I live at Temple-bar, I work for my brother and sister, they keep a shop at Temple-bar; I have known Mackaway three years, I have employed him a twelvemonth, he used to go on errands for me; I have entrusted him to go and fetch money, I never knew him wrong me of a farthing in my life.

MARTIN JONES *sworn.*

I live in Golden-lane, I am a watch-maker; I have known the prisoner Mackaway seven years, perfectly well, I have never heard any thing dishonest of him in my life; I have trusted him in my house, and I never found any thing deficient.

FOWLER *sworn.*

I have known the prisoner nine months, a very good character.

SUSANNAH JONES *sworn.*

I have known the prisoner ever since he was born, a very honest lad.

MARY PARKER *sworn.*

I have known him above a twelvemonth, a very honest, sober lad.

ELIZABETH APPLETREE *sworn.*

I have known him ten years, a very good character till now.

ANN TODD *sworn.*

I have known him twelve years, I never knew any thing amiss of him before in my life.

CHARLES BLUNT *sworn.*

I know Gillikey, a very honest lad; I have known him thirteen years.

GEORGE WELCH *sworn.*

He has lived with me three years, a very honest and just character.

CHARLES MORTON *sworn.*

I have known him four years, very honest as far as I know.

ROBERT GORDON *sworn.*

I am his father in-law; I have known him fourteen years, a hard-working industrious man.

CATHERINE WELCH *sworn.*

I have known him six or seven years, always honest.

MARY BRIAN *sworn.*

I have known him twelve years, a sober, honest, industrious lad.

THOMAS SLATER *sworn.*

I have known him ever since he was born, an excellent character.

W. BATES, aged 22.

S. MACKAWAY, aged 17.

E. GILLIKEY, aged 19.

} GUILTY,
Death.

All three recommended to mercy by the jury and by the prosecutor, on account of their youth, and making use of no violence.

Tried by the second Middlesex Jury before Mr. Baron PERRY.

247. THO-

247. THOMAS MUNDAY and WILLIAM DYER were indicted for feloniously and burglariously breaking and entering the dwelling-house of John Barton, about the hour of ten at night, on the 19th of May last, and stealing therein one pair of linen sheets, value 5s. one cotton counterpane, value 2s. two linen shifts, value 3s. one pair of corduroy breeches, value 2s. two linen table-cloths, value 2s. one cloth coat, value 2s. a silk work-bag, value 2d. one pair of iron knee-buckles, value 1d. the property of John Barton; and one pair of linen sheets, value 5s. the property of Mary Newmarth, widow.

MARY NEWMARSH *sworn.*

I lived in Chopping's-court, Old Gravel-lane: I am a widow, and kept John Barton's house, while he and his wife went into the country, on the 19th of May, there being no one in the house but myself and my three children: about half past nine, to the best of my knowledge, I put my children to bed; and afterwards I went out, and locked the door, and took the key in my hand; I was not out about half an hour; I found the door, when I came back, on a jar, open; when I went out, the sash of the window was fastened down, and a bell in it; and I shut-to the shutters; and when I came back the shutters were shut-to, but not fastened, and the sash was thrown open, and a pane of glass broke out; I found a tea-chest outside of the door: when I came up stairs, I found missing, by examining of the drawers, one pair of linen sheets, a counterpane, two linen shirts, one pair of corduroy breeches, two linen table-cloths, one cloth coat, a silk work-bag, and a pair of knee-buckles, the property of John Barton; and one pair of linen sheets, my own property: I do not know that the prisoner took the things, I never saw him till I saw him before the justice.

JOHN RILEY *sworn.*

On the 19th of May, between ten and eleven o'clock, I was going home to Old Gravel-lane, which leads to Farthing-fields; I saw Munday with a bundle; I knew him

before; they were both in company; I followed them to a place called Farmer's-fireer, in the parish of St. Paul's, Shadwell; I saw them run up an alley; I followed them, and saw Dyer standing by the corner of a shed; I took hold of him, and searched him; I found nothing upon him; I am a constable; I called out to one Mrs. Smith for a light; in the mean time Dyer made his escape: when the light came, I went and looked in the shed, and I found the prisoner Munday and this property; I took them, and have had them in my custody ever since.

(*The property produced, and deposed to.*)

Prisoner. Mr. Riley, was not you tried once for felony?—I was once tried in a court of justice, and honourably acquitted.

Court. What was the charge?—It was for felony.

PRITCHARD SMITH *sworn.*

On the 19th of May, late at night, I was at home, and heard somebody cry out, Mrs. Smith, bring me a light; I wondered who it was, and asked who it could be; Mr. Riley said, it is me; I then went down, knowing the voice, and Mr. Riley had hold of a man by his collar, and he was asking him what he had with him; he said, nothing at all; with that he took up the bundle into his hand, and brought the man through the passage, and I heard the man say, Riley, take the bundle, 'tis not worth graft.

PRISONER MUNDAY's DEFENCE.

On the 19th of May I was going along Wapping, and a press-gang coming after me, I ran into this empty place for a shelter till the gang went by, and that man came and took hold of me, and collared me, and asked me what I had got there; I told him nothing; some woman brought a light, and he found this property; I know nothing about the property at all; this man has been convicted, and been aboard a ballast ship.

PRISONER DYER's DEFENCE.

I am very innocent; I know nothing of this offence; I have friends, but they are

down in the country, and very poor, so as not to be able to come up.

Jury. Have you ever lived in London? —Yes, about three months.

Have you worked for any body?—I have worked for Mr. Smith, Cheapside.

THOMAS MUNDAY, } GUILTY, Death.
WILLIAM DYER, }

Tried by the second Middlesex Jury before Mr. Baron PERRY.

248. ISABELLA STEWARD was indicted for feloniously stealing, on the 28th of May, in the dwelling-house of John Goodman, one box made of paper and rushes, value 1d. twenty-one guineas in gold, and a fifty pounds bank-note, the property of Elizabeth Morgan.

ELIZABETH MORGAN *sworn.*

I was at a visit at my brother-in-law's, Mr. Goodman, he lives at the Salisbury coffee-house, Durham-street, in the Strand; while I was there I had a little box taken out of my big box, containing all this money in it, a fifty pounds bank-note, and one or two and twenty guineas, I cannot tell which, in the little box; there was no else went into the room, or into the house to my knowledge, therefore I charged the prisoner, she was a servant; some of the property was found upon her, the fifty pounds bank note; Croker found it; he searched her.

JOHN GOODMAN *sworn.*

I keep the Salisbury coffee-house; the last witness is my sister-in-law. On the 20th of last month the prisoner came to me to be hired as a cook, she told me she lived with Mr. Hooper, the King's-head, Twickenham, the last place; and that Mrs. Hooper, in order to prevent trouble, had left her character with Mrs. Gillam, a housekeeper in Crown-court; I went to Mrs. Gillam, she gave her a very good character for honesty and sobriety, as if or-

dered by Mrs. Hooper. I saw Mrs. Hooper afterwards, and it was a fiction. She had given her no order, she had lived with her. On Saturday the 28th, the day week after I hired her, she went out, and returned much the worse for liquor; she went out the second time, and did not return till near eleven o'clock, very much intoxicated, and went to bed: about one o'clock my wife came down to me to inform me that her sister had been robbed; I went up to her room and enjoined them silence; accordingly I recollected the Brown Bear in Bow-street, and went there, and staid till Croker came in; I then went with him to my house, and opened the business to my waiter, and had him examined, and had his box opened, and nothing was found; we then proceeded up to the prisoner's room, she was locked in and in bed; after some time we got her to unlock the door, and let us in, and then seized the prisoner's pockets; and in one pocket we found some silver and some copper, and in the other four guineas and two half guineas, and the paper and rush-box, and the bank-note in it.

HENRY CROKER *sworn.*

I produce the note, I found it in the prisoner's pocket in this box (a box produced of rush and paper) wrapped up in this India paper.

ABRAHAM NICHOLLS *sworn.*

I am Mrs. Morgan's brother; she had this bank-note from me; the number is 1609, the date 27th of November.

Court to Mrs. Morgan. Was that the note you had of your brother that you lost? —Yes, it was.

ELIZABETH NORMAN *sworn.*

On the 28th of May the prisoner came to me about eleven o'clock at night, I was in the bar making six-penny-worth of brandy and water; she said she wanted to speak to me, and would wish me to go into the kitchen with her; I said it was a busy night, what she had to say she might say in the bar; she said it was only to deposit a little money

money with me till Sunday or Monday, and she left fourteen guineas with me, and at the same time she borrowed eighteen-pence, and for my trouble took a glass of rum.

PRISONER'S DEFENCE.

I have seen no person in gaol, since I came into it; the gentlewoman that I put the money with was an old neighbour, and I had received it of my husband, who is at sea. I never was in the room where the money was taken out of, in my life; I know nothing about the notes. The pockets were none of mine.

The prisoner called Mrs. Norman to her character.

GUILTY, Death.

Tried by the second Middlesex Jury before Mr. Justice ASHURST.

249. THOMAS CLARKE was indicted for feloniously stealing, on the 20th of March, one boiling copper, value 10s. belonging to Richard Mortimer, fixed and fastened to a certain empty house of his, he the said Thomas Clarke having no title, or claim of title, thereto, against the statute, and against the king's peace.

RICHARD MORTIMER *sworn.*

I lost a boiling copper on Wednesday, the 20th of April, a little after one o'clock; I saw it in its place a few days before, affixed in Brick-work: I saw it after it was missing, at a public-house, next door to my house, where it was taken from; a man informed me he had taken the prisoner with the copper upon him.

THOMAS STAINER *sworn.*

I am a bricklayer, I was at work on Wednesday, the 20th of April, at this house, and went to dinner and returned; the house was empty, I went into the parlour, and in a few minutes I thought I heard a noise, I looked down the passage, and saw the pri-

soner with the copper in his hand, pouring some water out of it in the yard; I ran to him, he dropped the copper, and endeavoured to make his escape; he had not run but a very few yards before I caught hold of him; I took up the copper, and have kept it till now, it was all footy, I fitted it to the place.

The copper deposed to by the bruising of the rim.

PRISONER'S DEFENCE.

I had just finished my work, and they took me.

GUILTY.

Whipped and imprisoned six months.

Tried by the London Jury before Mr. RECORDER.

250. JOHN HARRIS was indicted for stealing, on the 1st of June, one linen-handkerchief, value 1s. the property of Henry Brewer.

HENRY BEVERS *sworn.*

On the 1st of June, about ten in the evening, on Wednesday, coming up Snow-hill, I felt a pull at my coat; I suspected my pocket was picked; I put my hand in my pocket, and found my handkerchief was gone; I immediately saw a man and a boy close by me, I seized the man; he said, how can you imagine a lame man could pick your pocket; his hand was bound up, I saw the boy running away; I pursued pursued him, and brought him back to the man, and at that time the patrol came up, and the boy gave the handkerchief from out of his bosom; then I gave charge of him.

ROBERTS *sworn.*

I am warder; the patrol brought the boy and the handkerchief to the watch-house, and I gave the handkerchief to Mr. Barton,

Barton, constable of the night, Willey, the patrol gave me the handkerchief.

— WILLEY *sworn*.

I am patrol ; I heard a noise on Snow-hill, and went up, and saw the prosecutor with the prisoner, and saw the prisoner take the handkerchief out of his bosom, and took him to the watch-house.

(*The handkerchief produced and deposited to by the prosecutor.*)

GUILTY.

Transported for seven years.

*Tried the London Jury before
Mr. RECORDER.*

251. ROBERT BRODIE was indicted for stealing, on the 6th of June, twenty yards of callico, value 40s. the goods of Edward M'Murdoch.

Mr. Garraw opened the case.

JOHN GARDNER *sworn*.

I am a labourer to any gentleman ; I was employed for Mr. Peasty, at Clay-hall, which is about a quarter of a mile from these grounds ; last Monday I saw the prisoner come down the fields, untie a bundle, and take out a piece and tear it ; I went to him, and asked him what he was going to do with it ; I did not know him ; he told me he did not know ; I directly took him into custody, to this house at Clay-hall, the nearest public-house ; I sent for Mr. Fletcher, he works for Mr. M'Mur-

doch ; I asked him whether he knew that piece ; he said yes ; and Mr. Fletcher disposed of him afterwards.

Mr. FLETCHER *sworn*.

I am a callico print-cutter, the prisoner is a glazier ; I was at Clay-hall, the last witness brought him in with a piece of callico. (*The cloth produced.*) This is my master's property, I know it to be so, I knew the pattern before, Mr. M'Murdoch's name is upon it, it is in a finished state except glazing ; they sell it in this state sometimes, I should know the pattern. The prisoner said, pray let me go, I will not face Mr. M'Murdoch ; I delivered him to the constable.

WILLIAM LANE *sworn*.

I superintend the business, the prisoner is a glazier, he might earn three pounds a week ; it was his duty to have glazed it ; we deliver it as it is, we print them ; I heard of it on Monday, I said I was sorry to hear it ; he said very little about it.

— SEYMOUR *sworn*.

I am headborough, it was delivered to me ; it has been in my custody ever since.

PRISONER'S DEFENCE.

I was not in my senses when I did it ; I never yet earned thirty shillings a week.

GUILTY.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. RECORDER.*

The next Part will be published in a few Days.

THE
TRIALS AT LARGE

OF THE
CAPITAL and other CONVICTS,

ON THE

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,
HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 8th of JUNE, 1791, and the following Days;

Being the FIFTH SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON;

TAKEN IN SHORT-HAND BY

E. H O D G S O N,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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Pater-noster Row.

M D C C XCI.

[PRICE ONE SHILLING AND FOUR-PENCE.]

THE TRIALS AT LARGE, OF THE CAPITAL and other CONVICTS,

ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

252. **JAMES DILLON** was indicted for feloniously stealing, on the 23d of May last, a brass-fronted wind-up jack, value 6s. and two iron screw-bolts, value 3s. the property of Clement Batstone.

CLEMENT BATSTONE *sworn.*

I lost the things from a workshop in Rider-street, St. James's; I did not see the prisoner take them, he had worked for me two or three days before, but not at that time; I paid him off on a Saturday, I missed them on Monday the 23d of May, about two o'clock. I never recovered them, neither the jack nor the bolts.

ANN LYNCH *sworn.*

On the 23d of May I had been looking out before my mistress's window in Rider-street, and observed a man standing in the street, which I thought he had been an uncle of mine; in the mean time I saw James Dillon, the prisoner at the bar, coming from Mr. Batstone's shop, with the winding-jack in his hand; I saw him come from the shop, I did not see him come from the door, and I saw the prisoner give the jack to a man who stood by, and the man was

on the opposite side, and received the jack, and I saw the prisoner returning to the shop, he went up to the door, but I did not see him go in: I saw the man go away with the jack.

Did you observe what kind of a jack it was?—It was a small brass-fronted iron wind-up jack.

Prisoner. How high was you up stairs when you saw me?—I was at the first-floor window, and I saw the prisoner out underneath the window.

Did you see me give a jack to any person?—I saw you give it to a man on the opposite side of the way, and he beckoned you to come over.

Court to Mr. Batstone. Did you lose the bolts with the jack?—I missed them at the same time; I saw them both there on Saturday, and missed them on Monday.

JOHN HOWSY *sworn.*

I am a carpenter. On Monday the 23d of May I was at work in Duke-street, St. James's; in passing along to Mr. Batstone's shop, to borrow a hammer, I perceived the prisoner at the bar, and two more in very deep consultation; as I was about half a yard

yard from them, I heard the prisoner mention to them, that when he repeated a whistle, they were to come up; this was in Ryder-court, in Ryder street; I immediately was struck with a suspicion, and made a stop, and heard him repeat the whistle again; I went to Mr. Battstone's other shop in Ryder-street, he has two shops, and I saw two men, one about fifteen yards distant from the shop, and one about twenty-five yards distant, both fronting the shop; I received the hammer of the boy, and proceeded to my work; about half an hour after, I heard a robbery had been committed, and I communicated my suspicions.

WILLIAM GALE *sworn.*

I am a smith, I work in the next shop to Mr. Battstone's. On the 23d of May I was coming along from my dinner, and I saw a man going along with a couple of large bolts under the end of his coat, just turning into Ryder-street; I stood and watched him, and the man ran along as fast as he could; by that I takes myself as fast as I could to Mr. Battstone's shop; and when I came there, the prisoner at the bar stood in the shop, leaning on one of the vices; I asked him if any of the workmen had been in the shop for any iron bolts belonging to the building that Mr. Battstone worked for; he told me no; I asked him how long he had been in the shop; he said half an hour; and then I thought I had no more business to ask him, for I thought he was one of the workmen, not knowing he was discharged.

Court to Battstone. Had any part of this property ever been recovered?—No, none at all.

PRISONER's DEFENCE.

I came to work in the morning about eleven or twelve, and Mr. Battstone asked me why I did not come sooner; I said I could not come sooner; says he, I have put on another man in your stead; says I, that is rather too sharp, without letting me know it; I went out, and going along Ryder-

street, I met this man (pointing to Howly) and he asked me where I was going; I told him I was going to look for work, and I went down to Westminster, to seek for work, and got work on the Tuesday following at Mr. Egerton's, and was going to work at the time I was committed.

The prisoner called Mr. Egerton and one more, who gave him a good character.

GUILTY. (Aged 57.)

Whipped and imprisoned one month.

Tried by the second Middlesex Jury before Mr. RECORDER.

253. JOHN AMBURY was indicted for feloniously stealing, on the 21st of April, one wicker bread-basket, value 6d. six quarter loaves, value 3s. 7d. one three-penny loaf, and one penny brick, the goods of Lucy Davis, widow.

GEORGE THOMAS CURL *sworn.*

I live with my aunt, I left all the things in the indictment at the corner of Norris-street, Hay market, on the 21st of April, on Thursday, about a quarter past eleven o'clock; I recovered them in about an hour after, in Great Earl-street, the prisoner had hold of the basket; I asked who it belonged to; and the prisoner said to him; it was standing in the street; I told him it belonged to me, I lost it in such a place; he said it belonged to his master, Mr. Paine, Piccadilly; he wanted me to go to Mr. Paine's with him; he took up the basket, I laid hold of it, and said he should not go till I got a conitable; I sent for one, but could not get one. He again took up the basket, and I went to lay hold of it, and he knocked me down, I fell against the other witness's knees, Thomas Roberts, who came up, and we secured him; I took the bread and the basket to the Justice's with the prisoner, and

and they said, I might keep the basket, the bread would be of no use.

(The basket produced and deposed to by knowing it by sight a year and a half, ever since he lived with his aunt.)

Court. Does any body else carry bread, besides yourself, in this basket?—Yes, the man servant does.

Was there the same quantity of bread in it when you found the basket as when you lost it?—All, except a penny brick; I am sure it was the same bread and basket.

THOMAS ROBERTS *sworn.*

About a quarter after twelve I was coming from Great Earl-street, and I saw the prisoner at the bar and this boy having a scuffle about this basket of bread; I said nothing at all, nor interfered till the prisoner knocked the boy down; he gave him a blow on his forehead, and I caught him as he was falling; then he asked him if he would give him his basket, and go away quietly; I advised him so to do, but he would not; he said he lived with Mr. Paine, and he would take me along with him, if I would go with him; afterwards he made some objection, and said he would go to Litchfield-street; I took him there, the magistrate told the lad to take the basket home, and put a mark upon it, that he might know it again.

Court to Curl. Did you mark the basket?—The officer that went home with me put six notches on it, just by the handle.

PRISONER'S DEFENCE.

I was going along, and out of place, and I met a baker, and asked him, if he could inform me where I could get work; he said he would, if I would go along with him; we went into a public-house, and had some beer and gin, and coming along afterwards, he asked me to carry his basket for him,

The prisoner called one witness to his character.

GUILTY. (Aged 20.)

Transported for seven years.

Tried by the second Middlesex Jury before Mr. RECORDER.

254. MARY WOOLLEY was indicted for feloniously stealing, on the 19th of May last, a pair of linen sheets, value 9d. a woollen blanket, value 3d. a woollen coverlid, value 6d. the goods of Henry Bennett.

Mrs. BENNETT *sworn.*

I am the wife of Henry Bennett; on the 19th of May in the evening, or the 20th in the morning (my husband lives in Newton's-lane) the things were taken from one of our houses in that lane, let out in tenements, and these things were taken out of a room not let out, all the rest were let out. The woman was a stranger; we recovered them all again on the 26th, they were in her possession; I went to where she lived, and she was but just got up, and dressing herself, and when she saw me, she hustled them all of a heap; I had seen her before, and the prisoner might know me, I took the things; I have the things ever since.

(The things produced and deposed to.)

Why did you suspect the prisoner?—On the 20th of June I was called up about six in the morning; some of the lodgers came and told me that the front door was broke open: and I was informed that the prisoner at the bar was seen to walk about the door that night.

HENRY BENNETT *sworn.*

On the 20th of May I found the room broke open, and missed the things; we found the woman and the things on the 26th.

CA.

CATHERINE STEWARD *sworn.*

I saw the prisoner round the street door before the door was broke open in the night, and I found it at six o'clock the next morning.

PRISONER'S DEFENCE.

A lodger of Mr. Bennett's took a man up stairs, and robbed the man of his watch, and the man went up and broke open the door, and it is very likely to suppose that some body might go in and take the things: that is not the sheet they took from me, nor the blanket; the blanket they took from me was not worth a halfpenny, only fit for a house-cloth.

GUILTY. (Aged 30.)

Fined 1s. and imprisoned six months.

Tried by the second Middlesex Jury before Mr. RECORDER.

255. **THOMAS PARKER** was indicted for feloniously stealing, on the 2d of June, an iron stone-mason's hammer, value 18d. an iron crow, value 18d. the property of John Williams; three iron stone-mason's saws, value 4s. an iron padlock, value 10d. the property of Henry Vines and William Moreland, and an iron plaisterer's hammer, value 10d. the property of John Carr.

JOHN WILLIAMS *sworn.*

The tools mentioned in the indictment were left in a hole locked in a building belonging to Mess. Moreland and Vine, at Islington, except the plaisterer's hammer; on the night of the 1st of June I locked the hole, it is in Scot's-place Islington, about half past seven; I was not the first to work the next morning, but I saw the tools at the Justice's. The constable has them here.

NUMB. V. PART II.

THOMAS FRANKLIN *sworn.*

I produce the tools all but the hammer, which I returned to the men, after I marked them; I have three stone mason's saws, a padlock, an iron crow, a mason's hammer; I am sure they are the same I received from the magistrate.

JOHN CARR *sworn.*

I am a plaisterer; the plaisterer's hammer is mine.

CONRAD LAWYER *sworn.*

I am a pastry-cook; I saw these tools in the hole where they were locked up, I did not know any body was there; I use the saw-dust, and I went accidentally, I heard somebody, and I thought somebody was in, and I pushed open the door and went in, and I found the prisoner in the hoard, I saw the things all packed up in the hoard in this waistcoat (produced) together; I asked him what he did there: he said he looked after the Irishman who had been in the hoard, and had ran off; he asked me if I did belong to the premises; I told him no; I told him he should come along with me; he did; and the next day he was taken to the magistrates.

JOHN PITT *sworn.*

Look at these articles produced: did you see them in a jacket in the hoard?—Yes, the jacket belonged to John Williams; I took charge of the things at Justice Clarke's, and saw them all carried there, and from the Justice's, they were carried to Franklin's the constable's.

Court to Franklin. Are they the same things that were brought to you?—They are.

Court to Pitt. You was there the Wednesday night; was he taken that night?—Yes.

Were the things when you found them, in the same state as they were left?—No,

B

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they were not, they were all left straight, and not in the waistcoat, nor huddled up together.

To Williams. In what state were they left?—They were left straight.

Were they left in the waistcoat?—No, they were not.

Carr. I went away about a quarter after seven, I left my hammer in another house, not where this hoard is.

To Pitt. Was this hammer carried to the Justice's?—It was, it was taken out of his pocket.

To Carr. Is that your hammer?—Yes.

How far is the house you left it in to the other?—About fifty yards.

(Deposed to.)

Williams. I depose to the hammer and the crow to be mine, and the saws belonging to my master: I cannot say as to the padlock.

PRISONER'S DEFENCE.

I am very innocent, I had not a halfpenny worth about me, they were very spiteful; I told them I only saw two Irishmen there, and they ran away.

GUILTY. (Aged 36.)

Whipped and imprisoned six months.

Tried by the second Middlesex Jury before Mr. RECORDER.

256. **JAMES HOLLAND** was indicted for stealing, on the 18th of April last, divers carpenters' tools, value 17s. the property of John Branham and others.

JOHN BRANHAM sworn.

I am a carpenter, I work in Bishopsgate-street, Farrer's-rents, I lost my tools on the 18th of April, the prisoner worked at the same buildings; he left work at six and we at seven in the evening; we put up our

tools in the shop and store-room: we came to work at five in the morning, and they were all gone: I lost all the things mentioned in the indictment, (enumerates them) he left the buildings till the Saturday after; we found all the things by Mitchell meeting the prisoner on the 10th of May in Chiswell-street.

THOMAS WRIGHT sworn.

I know no more than the other witness has told you, only I lost the things mentioned in the indictment.

(Enumerates them.)

LAWRENCE MITCHELL sworn.

I work at the same building, and lost the things mentioned in the indictment; (enumerates them) I met the prisoner on the 10th of May in Chiswell-street, and followed him to Beech-lane, and saw the tools with him, and I stopped him.

(A plough produced and deposed to.)

WILLIAM BURKE sworn.

I am a carpenter, I work at the same buildings, I lost the things mentioned in the indictment, (enumerates them). I found some of the things at the prisoner's lodgings, in the Borough.

The **CONSTABLE** sworn.

I found all these tools at the prisoner's lodgings; he told me they were his lodgings.

(The things produced and deposed to by the several prosecutors.)

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. COMMON SERJEANT.

257. AN-

257. **ANDREW BEARDSON** and **JAMES MACLOCKLIN** were indicted for stealing, on the 21st day of April, two pieces of oak timber, value 4s. the property of Thomas Winckworth.

THOMAS WINCKWORTH *sworn.*

I am a master carpenter and builder; I am building Mr. Turner's house in Newgate-street, I live in Silver-street, Wood-street; the prisoners were employed on the 21st of April at the building; they stole two pieces of oak from the building; as mentioned in the indictment, they had been dead shores in the party walls, I put them in myself about five years ago; I ordered my men to take care of those pieces of timber, and told them all in general, that if any of the men should take any of the timbers away, I would prosecute them; I went to dinner at half past two; at four I returned, and they were gone.

JOHN CAMIN *sworn.*

I work for Mr. Winckworth as a carpenter; these two pieces of oak were taken out of the wall; I met Beardson with one of the pieces, and made him take it back again; when I got back again, the other piece was gone, which I found at a coffee-house the corner of Newgate-market, down in the cellar, and I carried them back to the building, and put it within the hoard.

SCRIVENER ELLIS *sworn.*

I was at work at the same building; I saw the two prisoners handing a piece of timber out of the hoard, out of the buildings; the last witness stopped them, and went immediately to look for the other piece, which he brought back from the coffee-house.

(The timber produced and deposed to by the prosecutor.)

Prisoner Beardson. I have nothing to say, only I have been in England but nine days.

The prisoner Beardson called one witness to his character.

Mr. MUNN *sworn.*

I am in partnership with Mr. Clarke; I am a bricklayer: Maclocklin has worked with me and my uncle twenty years, and should be willing to employ him again; I am sure he is as honest a man as any labourer that works under us: I never knew him guilty of any thing bad.

Jury. Did you see the prisoners moving the timber from the hoard entirely?—They had both hold of it, but I was at the further end of the building; but before I could get to them, they had got it quite out of the hoard.

BOTH GUILTY.

Whipped, and imprisoned a fortnight.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

258. **WILLIAM ABBOTT** was indicted for stealing, on the 14th of May last, one hundred and fourteen pounds weight of bees wax, value 10l. the property of Joseph Sabine, and others.

JOSEPH SABINE *sworn.*

I am a gangman of Botolph-wharf; Robert Waghorn, John Salmon, Thomas Knight, James Bullock, Henry Ventres, John England, Timothy Hewlett, Thomas Hinton, and Jonas Dear, those are all our gang; I lost this bees wax: I did not see it taken.

JETHRO SHIPLEY *sworn.*

I saw the prisoner lower with a cord this bees wax from one story into the gateway: it was loose in a cake in a bag when he lowered it, and a man below took a cord to the mouth of the bag; I went and put the wax in its place; the man that was below went

away, the prisoner remained above; the wax was carried to the place he took it from in the warehouse up stairs; I found it in the gateway, just where it was dropped; the prisoner was searched for, and found in a garret on a beam; he said, I desire you will not use me ill; I sent for Mr. Hunter the constable, I have seen the prisoner sundry times, I am certain it was the prisoner; this is the same wax.

JOHN LOUGHMAN *sworn.*

The prisoner was employed as a labourer, I locked all the doors of the warehouse about one.

Court to Sweatman. What time did this happen?—About two o'clock; how he got in I know not, he was paid about one o'clock; I am certain I locked the door, and the prisoner came down before me, I came down to work again, with my master at two o'clock, and I did not hear of the wax being gone, I shut the garret-door myself; there is a communication from the garret all the way down to the bottom.

WILLIAM ISLES *sworn.*

I am clerk to the East India Company at Botolph-wharf, I heard of the wax being lost in the Company's office; I went and searched the garret, and found the prisoner upon a beam concealed; having a stick in my hand, I thought I saw something by the shade of a candle, I struck him twice on the legs, and he came down, and desired that we would not use him ill, and I charged him with the constable; there was another man in the garret, and I searched a second time, but we could not find him.

Court to Loughman. Was this man found in the garret that you worked in?—No, there are many garrets belonging to other porters.

THOMAS HUNTER *sworn.*

I am constable at the Custom-house, I only took charge of the prisoner and the wax, about two o'clock; the wax was given

me by Sweatman, I have had it in my custody ever since. (Produced and deposed to by the gangmen.) There is no mark upon it; I verily believe it to be the cake of wax that was in the warehouse, and taken out of a cask to be tared, and could not be got in the cask again; the other cake was rather smaller than this.

Sweatman. I saw the wax within the forty-eight hours before it was stole.

PRISONER'S DEFENCE.

I was at work in the building from ten to one; the man in the smock-frock knows that that man employed me to carry a parcel to Bishopsgate-street, and he would give me a shilling and a pint of beer, I was told it was cheese, and I knew nothing to the contrary; the wax I knew nothing of, but if this was any part of the wax that was weighed at the key, it weighed one hundred two quarters fourteen pounds, and was marked at the top of the wax the weight of it.

GUILTY.

(Whipped.)

*Tried by the London Jury before
Mr. RECORDER.*

257. WILLIAM SINGLETON was indicted for feloniously stealing, on the 30th of May last, twenty-seven yards of callico, value 27s. the property of Matthew Pickford and Thomas Pickford.

The case opened by Mr. Garrow.

JOSEPH BUCKLEY *sworn.*

I am porter to Mr. Miller, Manchester warehouse-man, No. 28, King-street, Cheapside; I packed up some goods, and delivered the goods at the usual place, the Swan with Two Necks, Lad-lane, at the warehouse door; I delivered them the 26th of May.

JOHN

JOHN MARTIN *sworn.*

I am head porter to this waggon, they have several packages; the prisoner was a porter under me between two and three years; on the 30th of May last I was at the Crown in Lad-lane, having a pint of beer, and the prisoner went up Swan-yard, and turned to the right hand; I went up in about two or three minutes, and could not see him; in half an hour he was coming down the yard with a bundle under his arm; I said, Singleton, what have you got? he says, some linen: says I, let's see; they were tied up in his apron; I said, pretty linen, indeed; says he, master be as easy with me as you can: I said, damn me, where did you get them? he said, I took them out of the wrapper.

Court. Did you promise that in case he would confess, you would shew him favour?—No, Sir, I sent for a constable, and carried him to the compt; on the Monday we rummaged the warehouse, between the warehouse and the stable there are some iron bars to give light; behind some straw in another warehouse we found the wrapper, that was a place it should not have been in; it had been opened and sewn up again.

(The wrapper produced and depoted to.)

BENJAMIN DIXON *sworn.*

I received these goods from Martin, this is the same apron, I saw nothing of the wrapper.

Court to Miller. That is the same wrapper you found in the stable?—Yes.

ROBERT MANTON *sworn.*

You are in the employ of Mr. Miller?—I am.

Look at some of these things, and tell us whether they are the property of Mr. Miller?—When I took it out of the sheet that contained the goods, when it came up from Manchester, I saw this remarkable stain upon it; I called Mr. Miller to shew it him.

NUMB. V. PART II.

Are you sure that was one of those you delivered?—Very confident of it, *Buckley.* The direction is my own handwriting.

JOHN JACKSON *sworn.*

I prove that the names are properly spelled in the indictment.

The prisoner called four witnesses to his character.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. Baron PERRY.*

260. **WILLIAM HAYNES** was indicted for feloniously stealing, on the 21st of March, a silver watch, value 30s. and another, value 26s. the property of John Beck Heather.

A WITNESS *sworn.*

I am servant to Mr. Heather, pawnbroker, Long-acre. The prisoner at the bar came into the shop, on the 21st of March last, and asked to look at some silver watches; I handed him down two, and he looked at them, and he asked me to look at a metal watch; I left those two silver watches on the counter, to reach for the metal one, as he wanted, with a long handle, and in that moment he made off with the silver watches, and went out of the shop at the front door: I saw him go out, I cannot say I saw the watches in his hand when he went out, but I saw them in his hand the minute before, and I missed the watches from the counter; I pursued him but did not see him; I saw him again on the 23d or 24th of May, about two months afterwards at Guildhall; I have never seen the watches again at all; I went to Guildhall in consequence of being informed that a man was taken up on suspicion

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picion, and went to see if that was the person, and I recollected his face again.

—Was he long enough in your shop, so as you can say decidedly that is the man?—I can.

Have you any doubt about it?—I have not.

How long was he in your shop?—About ten minutes.

What may the value of these watches be?—They had cost as much as laid in the indictment; one cost thirty shillings, the other twenty-six shillings. It is uncertain what they would have sold at.

Prisoner. How long is it ago since these watches were first missing?—The first of March last.

Was there many people in the shop?—Only one person as I recollect.

Who was that person?—There was a woman standing pretty near you, on the same side of the shop.

Do you know that person?—I know her very well; she remained after you was gone.

Court. What is that person; is she of a good character, how does she get her livelihood?—I do not really know, but I fancy she is a woman of repute; she lived then in the neighbourhood.

That woman is not here?—No.

How came you not to have that woman her?—She could not recollect his face.

What time of the day was it?—About eight in the evening.

When he went out of the door did he run or walk?—I did not see him, after he got out of the door.

How did he get out of the house?—He pulled the door open.

In what manner, when he left the counter, did he go out?—He went out in an instant, quite abrupt.

Prisoner. Have you no reason to suspect that person in the shop?—I had not.

You did not search her?—I did not.

It is very extraordinary you should not see the watch go out; as that woman came to pawn things, she might be distressed for money.

Court. Was she, when in the shop, near

the counter, so as to have the watches within her reach?—She stood very near to the prisoner.

PRISONER'S DEFENCE.

I am entirely innocent of the fact.

Court. Did the woman come in before him or after him?—She came in I believe after him.

GUILTY, 39s. (Aged 25.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

261. CATHERINE BRYANT was indicted for feloniously stealing, on the 11th of May, thirty-six yards of black silk ribbon, value 12s. the goods of Joseph Winkell, privately in his shop.

JOSEPH WINKELL sworn.

I am a linen-draper and haberdasher; I can swear to the property.

MARY HACK sworn.

I live with Mr. Winkell, No. 114, Long-acre. On Thursday, the 11th of May, the prisoner came into our shop between four and five o'clock; there was no person in the shop but myself; she asked to look at some tape, I shewed her some, and she bought as much as came to one penny; she gave me a shilling, and I gave her sixpence in silver, and five penny-worth of halfpence in change; she took up the change, and then asked to look at some black ribbon at three halfpence per yard; I took out the box of ribbons, and shewed her some; she said it was too narrow, and would not do; she then refused the six-pence I gave her, she had then had it five minutes or more, and asked me to change it; I took

the six-pence and went to change it, and then she appeared in great confusion, and asked me if I would give her some ribbon, at two-pence one yard only; I had changed the six-pence before I gave her the ribbon; she then gave me the two-pence for it, she then went out in a very great hurry: I missed a piece of black silk ribbon containing thirty-six yards immediately out of the drawer; I looked about and could not find it, I then followed her and brought her back, I found her two doors from our house talking to another person; I asked her if she would be kind enough to walk back, and she came back; she came into the shop, and was in great confusion, and would not stay; Mr. Winskell was up stairs, and the servant met me in the shop; I sent her to call Mr. Winskell, and just before he came she dropped the ribbon, I saw her drop it, it dropped from her left side; she turned round and dropped it, and said, there lay my ribbon. I am quite sure I saw it drop, and when I went out I passed that place, and saw the place quite clear; I told her she had no call to drop it, I was certain she had it; I gave it to the constable.

JOHN SHARRARD *sworn*.

I produce the ribbon, I received it from the constable, and Sir Sampson ordered me to keep it.

Prisoner. I would ask whether the ribbon was not in the shop, when you brought me in?—I am sure that the shop was clear, and that the ribbon was dropped in the shop.

(The ribbon deposed to by Mary Hack and Joseph Winskell, by having the private mark of the shop, and never having sold such an article; he had had it two or three days, and it cost him seventeen shillings and six-pence.)

PRISONER'S DEFENCE.

I sell things in the street; I went into this shop for a yard of ribbon, and three yards

of tape; I am sure I was twenty minutes in the shop, and this lady came out after me, and asked me in; and when she got in she turned round and found this ribbon, and picked it up, and the gentleman that stands up there says, let the woman go away; but she said no; I will hang her if it is possible.

GUILTY, 4s. 11d. (Aged 50.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

262. THOMAS EVANS was indicted for feloniously stealing, fifty pounds weight of lead, value 5s. belonging to Thomas George, affixed to his dwelling-house.

THOMAS GEORGE *sworn*.

I live at Islington, in the parish of St. James, Clerkenwell. On Easter Sunday Morning I missed about nine feet long and two feet wide, of a lead gutter, affixed to my workshop, called a melting-house; at nine o'clock on Saturday night, I saw it was all safe; when I was first before the Justice, I could not positively swear to it, but it was brought up the next day, and I saw it fitted, and I am now very well satisfied it is my property.

WILLIAM COPPING *sworn*.

On Easter Sunday morning the 24th of April, I was going up Vine-street, Clerkenwell, and I saw the prisoner with a bag on his shoulder; I suspected him, and followed him to Turnmill-street, and got up to him in Turnmill-street, and said to him, my friend, what have you got on your shoulder? and he would not answer me just then; then I spoke to the person that was in company with me to open that bag; he did; his name is Henry Kepwell; I asked the prisoner

soner where he had got it; he told me he had found it; that was all I could get out of him then; I took him to Bridewell; and the next morning Mr. George came to look at the lead, but he could not swear to it; but I went and fitted it myself to the building, and it exactly corresponded; there were five hooks left in the wall, which had fastened the lead to the wall, and there were the five holes in the lead, which those hooks had made.

HENRY KEPWELL *sworn.*

I was with the last witness; I opened the bag, and looked in, and found some lead tied up in a coarse towel, about 51 lb. weight.

Had it the appearance of lead that belonged to a gutter?—Yes, I was up on the place, and tried it, and it exactly agreed; and I think it was positively taken from that building.

PRISONER'S DEFENCE.

I belong to the ship Sallust, that lays at King John's stairs; my master sent me with a bundle to Islington, to his wife; coming back, I found this bundle; I looked at it; a gentleman by said, he dared say some people had stole it, and thrown it there; and accordingly I put it on my shoulder, and that gentleman here stopped me; I told him the same.

Court to Coppin. Did these words pass between you and him when you took him? —They did not; he only said he found it.

GUILTY. (Aged 21.)

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. Baron PERRY.*

263. JOHN HURST was indicted for feloniously stealing, on the 24th of April, one linen shirt, value 2s. one pair of worsted stockings, value 4d. and a linen handkerchief, value 4d. the property of Bernard Clemens.

BERNARD CLEMENS *sworn.*

On the 24th of April I lost the things in the indictment; they were lost from the stable; I live at the Bush, at Staines; I know nothing of the things being lost, only the things that were found upon him; I had seen them about twelve o'clock, and missed them about half an hour after.

A WITNESS *sworn.*

I found the things on the bridge, the new bridge, where the barge horses go over near Egham.

THOMAS HALL *sworn.*

I was going from Egham to Staines, with a saddle-horse: when I got to Staines, I saw the prisoner, and he asked me what sort of a job I had, and if I would treat him with a pint of beer; I had seen him before; I did treat him; and I told him, if he would go with me to the Red-lion, I would treat him with another; we went there; and while we were there, he asked me to buy a shirt, a pair of stockings, and an handkerchief; I told him, if I could buy the things worth my money, I would; he went out, and he said he would go down the Bush yard, to fetch the things; I told him I would not go with him, he might go himself; in the mean time, I called the hostler out of the yard, and asked him if he knew any body that had lost any such things; I told him, if he thought the prisoner had come by it honestly, he would buy them, for I thought he wanted as bad as I did; they told me that they knew somebody that had lost such things out of a stable, and they suspected the prisoner to have got them; they told me to go a little way over the bridge, and make a bargain with him, but give him no money; I did so; he gave me a shirt and a pair of stockings, and asked me what I would give for them; I said he should set his own price; he said, a shilling and a pint of beer; then he pretended to go under the bridge, to do his occasions; in the mean time I beckoned to the two young fellows that followed me, to

to come and take him; and they did so, and took the things.

(The property produced, and depoted to.)

PRISONER'S DEFENCE.

I found an handkerchief by the side where some waggons stood all night, and these things were in it; I never saw that young man before in my life.

GUILTY, 10d.

Fined 1s. and imprisoned six months.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

264. WILLIAM WARING, alias GEORGE WARREN, and JOHN OXTON, were indicted for feloniously stealing, on the 18th of May, in the dwelling-house of John Fittsbee, three Bank notes, value 20l. each, and eighteen guineas in money, the property and monies of Alexander Johnson.

(The case opened by Mr. Garrow.)

(The witnesses examined separate.)

ALEXANDER JOHNSON *sworn.*

I am a merchant; I reside at Elgin, in North-Britain, and sell all kinds of goods. I came to London a few days before the 18th of May, when I was at Mr. Brewer's, the Swan with Two Necks, in Ead-lane; I breakfasted in the coffee-room, with a countryman of my own; and going out, I asked the waiter to shew a good house to purchase hard-ware; he told me of different houses: a man on the opposite side box said, Are you going to buy hard-ware? I said I was: he asked, What sort are you going to buy? if you will go along with me, I will take you to the best house in London, for I came from Birmingham yesterday, and am a partner in a house: there was another man, myself and countryman, and the person who spoke, the

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prisoner Warren, went out together; the other man has escaped; my countryman's name was John Mullen; Mullen had forgot something, and went back to the coffee-house, and asked Warren for a direction where he should join them; this was just across the street; Warren gave him a direction to a house of which the last name of the firm was Johnson, and told him the street, and the number of the house; we went on, to go to the warehouse, and I asked him if it was far off; then we went on, and came to a public-house in Bunhill-row, kept by Fittsbee; I asked him whether we were now near the warehouse; he said, just by, but he had some errand to call on at that public-house; he asked me in; he should not stop, he would not desire me to sit down; we went into the house, and Warren called for a room; I sat down at the head of the table, and Warren on my left, and the other on my right, who has escaped; they asked me to drink; they called for a glass of rum and water; I refused to sit down; before that was come, a stranger came, and begged pardon for coming in, but asked leave to sit down; that person was Oxtan; he sat by, at a little distance, and began talking that he was very much fatigued with his journey, for he had come about ninety miles; he asked Warren, (who called himself Johnson, describing himself as the last person in the firm; he had heard my name in the coffee-room, and shook hands with me; glad he was to see his namesake, and would serve me still on lower terms.) Oxtan asked Warren if he should be able to get him a porter, to shew him (Oxtan) the other side of the water; he wished to get an honest man, for he was a man of property, that he might not be taken in by him, as being a stranger: Warren said to him, he did not appear to be a man of property; Oxtan seemed to be affronted at this; he put his hands by the side of his coat, and pulled out a quantity of notes, in a shabby-looking pocket-book, and said, I have fourteen or fifteen hundred pounds, why do you talk so to me? A parcel of beggars and day-labourers, to talk

talk to me in such a file! You cannot even shew me gold, instead of Bank notes! Warren took out of his pocket one or two guineas, and said, here is gold; says the man who escaped, I do not know whether I have gold or no, and pulled out a guinea or half a guinea; and Warren asked me if I had any gold; I told him I had got no gold, nor silver, except half-a-guinea: Oxtton then said, I will hold you twenty pounds to ten, that you do not produce me an hundred pounds; this he said to Warren: Warren then asked me if I had got any notes about me; I told him I had not, but I had some bills on banks here, and I was going to purchase goods, and should draw the money that afternoon: Warren said he was going to the Bank this afternoon, and to do some business for the house, and to draw money; he seemed very glad, and said we will both go together; Warren had laid down the bet of 10l. note, and Oxtton laid down the 20l. note, as they said it was, I did not examine it, and they were put into the other man's hands, and we went away to the bank together, I and Warren, according to agreement, and got the bill accepted for next day; Oxtton and the other man staid in the public-house till we were to come back: Warren said, as we could not then be paid, what will you do now? I said it made no odds to me: he then advised me to go to some place and buy five pounds worth of goods, and they would give me the balance: I then said, I would call on Mr. Clark, an acquaintance of my own, and he probably would discount it: I did not know the distance, he said: we took a coach, and I told the coachman to drive to the Swan with Two Necks, and Waring called there for Mullen, and then we went to Mr. Clark's, and he discounted the bill; I desired him to stay there till I returned; when I came back, he was in Lad-lane; he asked me whether I had done my business, and got the money now: I told him I had got a check on Mr. Clark's banker, and was going to get the money; he seemed to be very glad; I asked Waring where he was going to draw his money, to

make his shew; he said, I have done that, I have drawn three or four hundred pounds; he asked me what banker I had got the check upon; I told him; he asked me if I knew where it was; I told him no; he said he would go along with me; he did so; I presented the check, and was paid in four 20l. Bank notes, nineteen guineas, and a shilling; this was paid in the presence of Warren: we came out of the Bank; Warren seemed very glad, and said, now we will take a coach; in the coach he told me he was a man of fortune, seven or eight hundred pounds a year, besides his business, and would serve me remarkably cheap; we found Oxtton and the other man exactly as we left them, and sat down on the same seat, and Warren sat on my left, and Oxtton asked Warren if he had done his business; he said he had. Warren and the other man asked me what I would drink; Oxtton says, taste something now you have been out; he asked me to drink some wine and water; I did. I then told them I had occasion to go to the door; I was going out at the front-door, and he pulled me by the coat, and said, here was a more private place, and I wished still to go out at the fore-door; they said this is the room, then they wished me to drink again. Oxtton began talking, and said that last night he picked up a girl at Covent Garden, and went home with her, and there was a person in the house, and the supper not being ready, he and the person had amused themselves with chalking; Warren said to Oxtton, let me see what chalking for money is; I know not what it is: Oxtton says, if I had a piece of chalk, I would let you see. Oxtton got a bit of chalk, I do not know where he got it, and laid his hat down; the other man was entertaining me about Scotch cattle, stating that he had formerly been a drover; then about two minutes they had a good scolding. Oxtton and Warren had, and Oxtton rose up to get away; and then Oxtton said to Warren, can you let me see the money you promised to produce? Yes, Warren says, I can shew you money and more, and laid down his pocket-book and did not take out the notes; and

and says, Mr. Johnson, how many notes, or how much money have you got? I cannot positively recollect: he knew perfectly well what I had, and I think he said how much money I had; he desired me to take out my money; I then took out my pocket-book, and took out of it four twenty pound bank notes, the notes I had received at the banker's, and laid them down on the table, and my left-hand firm on the notes; my nineteen guineas in gold was in my right-hand pocket: Warren says, take out your gold; I then took out eighteen guineas and put it down, and had hardly counted it, while Oxtan wished to get a hand of the money; my left hand was both upon the money and the notes; indeed both my right-hand and my left; I put the guineas on the notes, just by the edges; and while I put my right hand into my pocket to take out the gold, my left hand was on the notes, and I kept both my hands on the notes: Oxtan then put up both his hands for the money; I did not know what he meant: Warren was on the right-hand, Oxtan was at the foot, holding out both his hands for the money; Warren then lifted up my left hand to enable him to get the money by force: his right-hand was towards my left, he gripped it up, and assisted Oxtan with the money. He kept my hands with one hand, and shoved the money to Oxtan; and the other man that has escaped, he took hold of the other hand, and assisted likewise. Warren swept it cross the table to Oxtan, both the money and the notes; the other man assisted likewise, just as Warren did. Oxtan took the money and notes right off the table, and put it into his pockets, and was going off with it to the door immediately, as quick as he could; the man on my right-hand, who escaped, followed Oxtan as fast as he could, and Warren was the last out of the room. I attempted to get out before him, and he pushed me back, till he got out. When he went out at the door, he shut the door after him as fast as he could: I lost sight of him till I opened the door, and I went after them; they all three went out at the outward street-door; I looked

round me when I came out, and I saw Oxtan running down the street as fast as he could. I saw the other two at the same time, Warren running the same way as Oxtan; I observed perfectly where he run to; Warren went into some place and shut the door, but I still ran after Oxtan; the other man ran a contrary way. I followed Oxtan, and called out stop thief; a young lad took him hold by the tail of his coat: I came up to him in a very short time, the lad had him; this lad and another man was holding him when I came up to him: I laid hold of him by the breast, and brought him to Mr. Fitzhee's public-house, where we were before, and into the same room; and he asked me what he had got of me: says I, four twenty pound notes, and eighteen guineas in gold; he acknowledged he had; and I said to him, give me my money this moment: yes, says he, I will give you your money, but I do not choose to do it before so many people. I ordered the people all out except six or seven: I shut the door upon them, I then come back to get my money of him: says I, give me my money now; he then said no; without that the whole of the people should go out: I then told him I would have my money directly; Oxtan then put his hand into his breeches pocket, and took out the gold before these persons: he says, there is the gold, and was counting it on the table, and the constable was wanting to get in, and Oxtan told me to let nobody in; the door not being open, the constable opened a window and got in, and asked what was the matter; then Oxtan put the money into his pocket again; I told the constable what was done, he demanded the money, and Oxtan refused to give it at all; he then seized him immediately, and took the money out of Oxtan's pocket, four twenty pound notes, and the gold; he took the twenty pound notes from his right waistcoat pocket, I am not certain as to the gold. The constable then told him he must go to the Justice; and the constable and I, and two or three more, came out and had a coach, and conveyed him to a magistrate, and there he was committed.

(Cross

(Cross-examination of Mr. Johnson.)

Mr. Fielding. Have you been in town before?—No, never out of Scotland before.

What became of Mullen?—He went home about a week after this happened.

You knew the town; was not you recommended to any body in town?—No.

How long had you been in town?—About four or five days before this happened.

How old are you?—About twenty-four.

You seemed to have closed your acquaintance with Warren very easily?—I took him to be a friend, to be sure.

What made you take him to be a friend, only having that small opportunity of knowing any thing of him?—Because I did not presume that any body would do such a thing, whom I found at such a respectable coffee-house.

When you went away from this public-house with Warren, what should lead you to discount your bill at this time?—Because I wished to draw my money from the banker's to buy goods.

What time of the day was it you returned to this public-house, before you saw Oxton?—Between one and two o'clock.

Did you mean to purchase articles that day?—I did positively.

Why did not you go?—Because I could not get them out of the house.

When you came back to this house, and had changed your note, you complied with Warren's request to go into the house; why did not you say, I cannot go into the house with you now?—He had this other man there that made up to him in the coffee-house, and he would call upon him before he would go.

Then when he had an opportunity to go in and call upon his partner, what should induce you to go into the room, or to stay there, did you at all at that time, tell him you could stay no longer?—I did, I told him I did not choose to sit down at all.

Why did you not choose it?—Because I wished to do my business.

If you was determined to do your business, how came you to be such a fool as to

take out this money?—Because I was attending upon Mr. Warren.

What was there that induced you, wishing, as you did, to buy your goods, to have pulled out your money?—Because this man, Oxton, called us all beggars before.

What should induce him to call you beggars?—Because he had so much property upon him.

So that he was vapouring you were beggars, and not fit to compare to him, and that was the reason, you, in order to shew you was no beggar, went to the banker's to get this money?—I told him I was going to draw money in the afternoon.

What induced you to tell him you was going to draw money in the afternoon?—I do not know what induced me, I did not think of any accident happening to me.

What time was this conversation about beggars?—About eleven o'clock, or a little after.

Did Warren join any part of that conversation?—Yes, he did; he seemed to be a stranger, and as if he had never seen Oxton before.

You was willing to shew you was not a beggar?—Warren asked me if I had any money on me to shew we were not beggars.

Was there any bet made between you on this discovery?—Yes, after that Oxton said, I will hold you twenty pounds to ten pounds a-piece; that you do not produce me a hundred pounds; that was to Warren: Warren said he had not got so much, and then asked me if I had got so much; I told him I had not got one pound, I had but half a guinea; I told him I was going to draw some money at the bank that night; but that would not do, for the mean time.

Now in consequence of this, did not you go to the Bank for the express purpose, in order that you might shew the sum about you?—I did not, it was not in consequence to produce the money there again that I went back again.

What, after you had got away from Oxton, what should lead you back again to this place?—Because Warren would call there before he went to the ware-room.

Was

Was any bet made between Oxton and Warren?—Yes.

Then you know you was coming back to this house in order to determine this bet?—Not at all.

But you was going back to Oxton; had Warren got any money at that time; was Warren either to win the bet, in case of your producing the one hundred pounds, or his own producing one hundred pounds?—It was his own producing one hundred pounds.

Then Oxton challenged you both, that none of you, or altogether, could not produce an hundred pounds?—He did.

Then you see, when you came back with the one hundred pounds, you could enable Warren to win the bet of twenty pounds, had you come on purpose for that?—No, but he desired me to take out the notes, to shew the man that we were not beggars.

Now in the coach Warren began telling you the story about the chalking?—No, not in the coach; it was Oxton talked about it in the house.

Oxton then and Warren shewed how the game was played among themselves?—I do not know as they played at all.

What! did not Oxton and Warren play, or pretend to play, at this game of chalking?—I did not see the game at all, I saw Oxton chalking.

When you came into the room, how were they situated that were left, and what did they say?—Oxton asked Warren if he had done his business; he said he had: Oxton then wished to sit at the end of the table.

Did Warren then produce any notes?—No.

What did Oxton do?—I then went out of the door, and did not know what they meant to be about, and I wished to ask the landlord about Oxton, because of the other two I had no suspicion.

Why did not you go about your business and ask this question?—I went out on purpose, and Warren then followed me out to the door; I was going out at the fore-door, and he says, don't go that way, there is a privater place on the back way.

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Did this increase or diminish your suspicion; I should have thought that it was most probable, your suspicion would be extremely increased by Warren's wanting to keep you in the room?—Not at all, he did not wish to keep me in, only when I wanted to go out of the door.

Having no resistance made to you, why did you not go from these people, and ask the landlord or landlady something about them?—I was coming in to do it, and passed the room-door, thinking Warren would have gone into the room again; and he takes hold of my coat, and said here is the room.

I want to know why it was, when there was no absolute resistance made to you, and with these suspicions that you was with people that would possibly cheat you, that you did not get away from them?—Because the men were with me.

So at length you did, notwithstanding your suspicions, come into the room with them again?—I had no suspicion at all of Warren and of the other man, my suspicion was of Oxton.

When Warren and Oxton were describing the game of chalk, were they playing together?—I did not observe them playing.

How long was this conversation with the pretended drover?—About three minutes.

Had they made any chalk marks on the table?—Yes, they had.

Did not they ask you to join in the game?—They did not at all; the other man and I were talking about Scotch cattle, and how he got his fortune.

Was there no money staked on the table to play this game?—I did not see any money at all.

You did not stake any money at all?—I did not.

Nor win any money?—Nor win any at all.

Was not your suspicion doubly increased when you saw these marks on the table?—Not at all.

How long was it after this before you was induced to lay your notes on the table?—In a very short time.

How came you to lay your notes down?

E

—Be-

—Because they disputed among themselves about the chalking; and then Oxtan stood up, and seemed to take something amiss that Warren had said; and Oxtan said to Warren, do what you promised, shew me the money; upon which Warren took out his pocket-book and said, there is money plenty.

Do you recollect you was examined before the magistrate?—I was.

What did you say there?—I said he took out his pocket-book.

Only his pocket-book?—Only his pocket-book.

Did you say at the magistrate's he took out nothing else?—He took it out, and opened it, and there seemed to be a large parcel of papers in it; he laid it down, and said to me, Mr. Johnson, how much money have you got? says I, you know perfectly well what I have got, because he was with me the same time when I drew the money.

How did you proceed then?—I took the pocket-book out of my pocket, and took out the four twenty pound notes.

Was not that on purpose to shew Oxtan that you had so much money?—It was to be sure, and to shew Oxtan I was not a beggar.

Did you think there was any money in Warren's pocket?—I thought there was three hundred or four hundred pounds, I thought the English notes were all so as his appeared to be; I had never seen one in my life till that day I took the money from the Bank.

Did you tell the magistrate on your examination, that Warren pulled out any notes?—I did not; the notes were in his pocket-book, and they had a large appearance.

When was it you went to any body that you employed as a lawyer in this business?—I went to my friend Mr. Clarke that night, who was my particular friend; I went to him, and wished him to inform me how to behave, as I was a stranger.

Did any body go with you?—The constable went with me.

Was he the only person that directed you

to an attorney?—The Justice directed me to an attorney.

Did you employ the attorney whom the Justice directed you to?—I did not.

Who is the gentleman that is employed by you here now?—Mr. Newman, I suppose you know the man.

Did you go to the man to whom the Justice directed you?—I did, but the gentleman seemed to be engaged.

Did the magistrate tell you that night, that he should look upon this as a felony?—He did.

Now, if you please, we will go back to the public-house: during this time of chalking between these people, and Oxtan's explaining the business to Warren, did not you join with them to wish to know what the game was?—No, I did not at all attend to that; we could not see at all.

Of course then you will tell me that you did not play, or win any money at all?—I will tell you that plainly.

And these men, Oxtan or Warren did not play?—They did not play to my knowledge, Oxtan was shewing how the person and him had behaved the night before.

When this money was before you, did not Oxtan pretend to have won this money?—He did not at all.

What made you, when you produced the notes and guineas out of your pocket, to put your hand down on them; had you any suspicion?—No, I had not to be sure.

What made you keep your hands down upon them then?—Because being in a house where I did not know where I was, I always should keep my hand on it.

Having done this, then it did not strike you there was any danger in putting your money on the table?—I did not think it any danger at all.

Did you think it safe?—I did.

Would have thought it equally safe if you had put it on the middle of the table?—It would not have been so convenient to me, but I might have thought it equally safe.

Would you have had any suspicion of Oxtan in laying down your money?—I should not.

Why

Why was it that you now describe your hand as placed upon this money covering your bank-notes and your guineas, and having no suspicion at all; was that the case?—I had no suspicion at all.

Why was it that Oxtou wanted the money any more than Warren?—I do not know.

In fact, Oxtou called out for the money? He did not call out at all.

Did not he want the money?—He wanted the money to be sure, but he did not ask for it at all, not a word.

Bless your soul, not ask a word! he counted this money; did not he?—Yes, because he got it.

He said he had won it, did not he?—He did not.

Did you yourself make any sort of a noise at this time?—Yes to be sure.

What sort of a noise?—I wished to keep my money; I then thought he had no title to put his hand to my money.

Did you call out for any assistance at this time?—I did not.

You knew there was assistance near; you knew there was a landlord and a waiter?—There was some people in the house, but when my money was gone, I thought it was better get it back again.

But you did not call out for any assistance at this time?—No, I did not.

Why did not you?—Because I thought these men and the people of the house might be concerned together, and then what would become of me then? and so I thought it was better to get out.

Then that suspicion instantly seized your mind, that the people of the house might be in confederacy with them, and therefore you would not call out?—Yes, it was so.

When Oxtou got out of the door, Warren wanted to keep you in; how came it he did not keep you?—I got out as fast as I could.

When Oxtou was gone out of the house, did you attempt to alarm the house?—Not at all.

You say Warren was desirous of going too?—Yes, as fast as he could.

What part of the house did you go through before you got into the street?—A small passage.

How many people did you see in your way from the parlour?—I did not look at any people at all, because I wished to get out as fast as I could.

How far was Oxtou from the house?—About three hundred yards.

When you told him you would have your money again, he acknowledged he had this money?—He did.

Did not he say he won it?—He did not; he seemed very much frightened.

There is no doubt but a man that has played a trick, would wish to give it up to get clear of it; however afterward he was in the very act of delivering this money to you when the constable came in?—Yes, he would have delivered the whole of the money.

The constable, and the attorney, and the magistrate, all agreed in it, that to get the money back again, you must consider it as a felony, not as a fraud?—Yes.

Mr. Garrow. The conversation the gentleman alludes to, passed after you was bound over?—Yes.

Did you ever stake or bet any money with these two men whatever?—No, none.

ELIZABETH FITSHEE *sworn.*

I am wife to John Fitshee, he keeps the Rose and Crown; Bunhill-row; I know the prisoners, I know the prosecutor Mr. Johnson; they came to my house the 18th of May last, they were in the back-parlour; there was Warren and Mr. Johnson, and one that is absent: Oxtou came in afterwards, in about ten minutes; when he went in there was no more than those three; in about half an hour the prisoner Warren and the prosecutor went out; they walked out, and Oxtou and the stranger staid in the room; the prosecutor and Warren returned in an hour and an half, or two hours, the other two were by themselves; the prisoner Oxtou was afterwards taken and brought back to my house; Oxtou was foremost at going out, two or three minutes: then

Warren

Warren and the man that is absent went out; I saw them all pass, they seemed to go out in great haste, the other two was at the door first, and kept the prosecutor back; they did not appear in so great a hurry as he was; I never saw any of them before.

Mr. Fielding. They used no force at all?—No.

You saw Oxton when he was going out?

—Yes, he went out quite by himself.

How does the door of the parlour stand with respect to the other part of the house?

—The door of the parlour opens into the tap-room.

Then they came through the tap-room to go out?—Yes.

How many people were in your tap-room at that time?—Not above three men, two lawyers and a soldier.

Did Johnson intimate in any way that he had been robbed, or suspected he had been robbed?—Not a word.

How long was it before they returned?—Not above a quarter of an hour; in three or four minutes we heard the cry of stop thief; at going through the room there was not a word said.

These people must be seen by the men in the tap-room?—Yes.

RICHARD INGLEBY *sworn.*

I remember hearing the cry of stop him, on the 28th of May I stopped Oxton, he gave a swing round, and almost threw me into the kennel, I took him to the Rose and Crown, Bunhill-row; Beilby came in after.

Mr. Fielding. Then Oxton insisted upon it that he had won this money?—No, I did not hear any thing of that.

MATTHEW BEILBY *sworn.*

I am an officer of St. Luke's, I live very near the place, I saw a mob, and went into the house of Mr. Fithee; some said there is a man swindled out of one hundred pounds, and some said robbed; the prosecutor seemed to be very confused, and said, I am swindled, I have been robbed; upon which I searched Oxton; I know nothing

of the other man. I found on Oxton four bank-notes, and eighteen guineas in gold; I believe it was the right-hand waistcoat pocket; I sewed it up, and put it into Sir James Esdaile's hand for security; I received it back the same.

Mr. Fielding. Immediately on your getting into the house, you laid hold of him?—Yes.

JOHN HODGSON *sworn.*

I am one of the pay-clerks in the bank of Sir Richard Glynn, and Co. I made a payment to Mr. Johnson on a draft of Mess. Francis and John Clarke, No. 5007, 2d May, 1791, for 20l. No. 6316, 11th January, 20l. 7186, 7th April, 20l. 5562, 28th April, 20l. I gave him also nineteen guineas and one shilling; this is the original entry at the time of payment; there was a person with him, I cannot swear to him.

Johnson. These are the same notes that were taken from me.

Prisoner Warren. I leave it to my Counsel.

Mr. Fielding. I am not permitted to speak to the Jury.

PRISONER WARREN'S DEFENCE.

On the 18th of May I met with Mr. Johnson, at the Swan with two Necks, in Lad-lane, accompanied with another; I was in the same room with him; I had a glass of wine, he had just done his breakfast. I began to talk about trade, he said he wanted some hardware; I said I thought I could suit him; me and another person went down to Basinghall-street, and had six-penny-worth of rum and water; we went from this house to the Crown in Bunhill-row, there we had six-penny-worth more, I believe it was rum and water, but I am not positive. We got into conversation, Johnson said he was not a poor man, so we laid a wager; Johnson laid us all three a wager that we could not produce 100l. a piece, in the course of one hour; I put down 20l. for me, and Mr. Johnson the prosecutor, and the other person that is absent;

absent; Johnson wanted to put down his part of the money, but he had only half a guinea in his pocket, two half crowns, and two or three shillings, I am not positive which; he then pulled out his pocket-book containing four 20l. Scotch bills, which he has omitted to tell you of, which I never saw before, therefore I put down the 20l. we put down 100l. a-piece; he put into my hand a draft for 50k. we went to Moorfields for a coach, and went to Lombard-street for 65l. there he got his bill honoured; he begged exceedingly hard of the banker's clerk to get that bill discounted; the clerk said he could not do it, except he found some person that they knew; Johnson still urged very much, and offered to pay any premium; but he would not do it: then we took coach to go to Lombard-street, and then to the Strand, to Mr. Court's a banker; then Johnson said, I think I can do my business, I owe a tradesman some money, and he will let me have cash for the 100l. says I, that will save you all the trouble. We came down to the Swan with two Necks in Lad lane: says I, I am afraid we shall be past the time of the wager for the 20l. says he, never mind, if it is half an hour, it will make no difference? says he, you stop here, and I will go to my friends; he went and came back again; says I, well have you got your bill honoured; yes, says he, I have 100l. check on their banker; you must go with me: I did so; we took coach again, we went to No. 12, in Birch-chin-lane; there he got four 20l. bank-notes, nineteen guineas and a shilling: we came back in the coach, there was Oxtou and the other man in the room; the chalk was put on the table, and the other man brought the money; so then there was a piece of chalk on the mantle-piece; we began playing, I won a guinea; there was A, B, C, and D on the table; I began playing with Oxtou for six penny worth of rum and water, which I won; I then played him myself for half a guinea, that I won also; I had my odds of the game, which was four to one against him; I wanted to give Oxtou his guinea again; after that I shewed Oxtou

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the odds of the game, he was to turn his back, and to name a figure, which was four to one against him; I referred to Johnson, says I, it is a pity to keep this man's money, I will give it him again, for if he had the Duke of Bedford's estate he would lose it: says Johnson, no, damn it, keep it, he would keep yours: so then Oxtou says, I will go back to them gentlemen and play them all round; says I, then you may as well lay them a guinea a-piece: I put down one guinea to Johnson, he covers that, and puts a guinea to another man that is absent, the same three guineas we won, we all three won a guinea of Johnson; then Oxtou said, I could make a letter any way, and he would not play if I made the letter, but if I would let that man make it, referring to Johnson, he would play for 100l. a piece; Oxtou turned his back, and Johnson makes the letter D, and Oxtou come to name the letter, and instead of putting down 100l. he put down eighteen guineas, and four 20l. notes; he made the letter D, and Oxtou turns his back, that is one of the four letters, and he came forward and named the letter right, and Oxtou came and named the D, then he lost his money: there were four letters made separate, A, B, C, and D; then in order to game, you must name one of the four, he was to turn his back, and I was to make one of those four letters, and he was to come forward and name the one I had made, which was put under the bowl: I made an A, and put the bowl upon it; then I laid him six-penny-worth of rum and water that he named the wrong. Oxtou won the 100l. then Johnson wanted to play on cards, he would not play with him, because he had no more money.

PRISONER OXTON'S DEFENCE.

I have nothing to say but on the same ground as this man says; this man I understood was a person that got a good deal of money, and he wished to engage in playing with me, after he lost the money; when he came back to the public-house he says, give me my money again, I did not understand the game, and go about your business;

F

ness;

ness; when we came back into the room, all the chalks were on the table, which was A, B, C, D; and the letter A and the letter D, which Johnson made while he put down his money: Johnson said when we came into the street that I had cheated him; I told him I had won it very fair, and would keep it; he would not have given me my money if I had lost it: I said I would rather go before a magistrate. He never said any thing about a robbery, till we came before the magistrate.

Prisoner Warren. Johnson's examination was taken before the magistrate three hours before these men came into his company.

The prisoners each called two witnesses to their character.

BOTH GUILTY, Death.

Tried by the first Middlesex Jury before Mr. RECORDER.

265. MOSES HYAMS was indicted for breaking and entering the dwelling-house of John Brooke, about the hour of twelve at night, on the 7th of April, and burglariously and feloniously stealing therein thirty pounds weight of raw long human hair, value 12l. twenty pounds weight of prepared long hair, value 30l. twenty pounds weight of long raw hair, value 8l. and twenty pounds weight of short raw hair, value 3l. the property of Thomas Kerr, in the afore-said dwelling house.

JOHN BROOKE sworn.

I live in Finch-lane, Cornhill, and I keep a house in Hoxton, but no regular residence there for a constancy; I am a tailor. About the latter end of March Mr. Kerr sent to my house several boxes, and a trunk to my house at Hoxton; they were all safe there, as he left them, on the 1st of April. On the 8th of April I found my house had been broke open; there had been no person lived in it at this time; his boxes

and trunk all broke open, and his goods in a very different state to what they were before; on the 23d he came to town, on the 25th we advertised, and printed hand-bills, and was informed that that very morning some had been sold, some to Mr. Byewater, in Golden-lane, and more to Mr. Denham, all goods of the same description; and that a person had applied to Mr. Nightingale, to know if he would take about the exact quantity of goods stolen.

Mr. Knapp, Prisoner's Counsel. On the latter end of March Mr. Kerr sent several boxes to your house at Hoxton?—He did.

How long was it after the latter end of March, that you discovered the house was broke open?—I discovered it on the 8th of April.

Do you swear now that the house was safe on the 1st of April?—Yes, I do.

THOMAS KERR sworn.

On the 1st of April I deposited the goods mentioned in the indictment in the house of Mr. John Brooke at Hoxton, in boxes and trunks; the trunk locked, and the boxes either nailed or corded: I left them all safe on the 1st of April; Mr. Brooke informed me that the house was broke open; on the 23d I came up and saw I had lost that property; the lock was taken from the trunk, the nails drawn from the boxes, and the goods gone, as mentioned in the indictment; in consequence of that I went to Mr. Brooke, and consulted with him whether it was best to send any bills about to the trade, and stop the sale; I did so: the bills were printed, and came home on Monday morning the 25th, and on the same day I received information that part of the goods had been sold to one Mr. Byewater in Golden-lane, which I have sworn to, by the tie of them; every one has a different method, and the tie has not been altered, and every person is allowed to swear to his own manufacturing; the person that manufactures part of them is my brother, who is here, which were found at Byewater's.

Mr. Knapp. I wish you would be so kind to explain some good reason why you can

can swear to this hair?—Besides the hair, I can swear to it by the tie, because I tied it up myself.

Will you swear that there is no other person who sells hair, that could tie the hair exactly the same way as you have done?—I can swear they could not do it so exactly, but I could know my own tie from any other.

ARCHIBALD KERR *sworn.*

I am the brother of the last witness, I have got the hair which was found at Mr. Byewater's, just in the same proportion, I manufactured some of this myself, and I can swear to my own tie; they are tied with thrums. I cannot swear nobody else ties them so.

———— BYEWATER *sworn.*

Look at that hair?—This hair has been out of my possession, I cannot swear it was it.

Prosecutor's Brother. I had this from Byewater.

Court. Do you know the prisoner?—Yes.

Did you ever purchase hair from him?—Yes.

Was that hair delivered to Mr. Byewater purchased of the prisoner?—I believe it was.

Did you buy a larger quantity from the prisoner?—Twelve ounces and an-half, the remainder of it I produced myself.

Kerr. I can swear to part of this being my tying.

Byewater. Mr. Kerr immediately fixed on one of these articles as his property; I have dealt with him for raw hairs, and I have sold him an ounce or half an ounce, but I never bought any of this sort from him before.

Mr. Knapp. Are you sure as to the identity of the prisoner coming to you on the 25th of April, with any hair at all?—Yes, I am positive of it; it was on Easter Monday, it was on the day the bills were printed.

I have witnesses to prove him in another place, therefore I warn you before you give an answer?—It was on Easter Monday, and

it was the very day the bills were printed, I am certain of the day.

Court. What time of the day was it that you made the purchase?—I cannot tell the hour, but I know it was before twelve, before dinner.

WILLIAM HAZLEBROOK *sworn.*

I know the prisoner, I knew him before I bought the hair of him, I purchased this hair of him, he came the 22d of April to me, and said he had a large quantity of hair; he asked if I would buy a hundred weight of hair; I asked him to let me see it, and he said as soon as the holidays were over, I should see it; and on Saturday he came with a parcel of hair, and this was among it; I asked him what he would have for it, he said thirty shillings; I gave him a guinea for it, I called my young man to witness paying the guinea; he said, it is my property, why do you call a witness; it was Saturday the 23d of April. He came to my house again the 25th, I bought nothing of him then, but he sold some hair to a person in my shop; it was on the 25th that he sold hair to Mr. Byewater.

You are sure as to the prisoner?—Yes, I know his person well, I was at Mr. Byewater's the 25th, I went with Mr. Brookes and Mr. Kerr; the prisoner was present then.

———— DENHAM *sworn.*

I am a dealer in hair, I purchased this hair from the prisoner on the 25th of April, I am sure it was the prisoner, I bought it in Mr. Hazlebrook's shop at Shoreditch, I am sure it was the 25th, which was Easter-Monday; he asked me half a guinea, I gave him ten shillings.

Kerr. I cannot swear to any of the long hair that has been produced, the ties have been altered, but I believe them to be mine.

JOHN NIGHTINGALE *sworn.*

The prisoner came to my house, No. 56, Bishopsgate Without, on Monday the 25th of April; I am sure it was the 25th, it was Easter-Monday, he came to acquaint me that

that he had a parcel of hair to dispose of; I then asked him when I could see them; he said not until after his holidays, then he would bring them; he mentioned the quantity to be about an hundred, or an hundred and an half: soon after he was gone I received this hand-bill, and he was taken the next morning.

PRISONER'S DEFENCE.

I am innocent; they have known me many years; Mr. Brookes swore before the Justice it was his property, and Mr. Kerr said he manufactured it; please to look, I have the hand-bill, and I have evidence to prove I was not the man.

JAMES KEYS *sworn*.

Mr. Knapp. I believe you went yesterday to St. Bartholomew's Hospital?—I did. Where did you go to at the hospital?—The Steward's office.

Who is the Steward?—I forgot the gentleman's name, but it is down in the certificate; he examined the book with me belonging to the hospital.

Did you see in those books the name of the prisoner?—I did.

Did you get the certificate, and did you see him write the certificate at that time?—He gave it me, and I saw him write it; this is the certificate which I had from himself.

Court. That is evidence that the name of Moses Hyams was in the books of the hospital, but I shall not receive the certificate.

When was he discharged by the books?—By the books he appeared to have been discharged the 13th of April.

HESTER FRANCIS *sworn*.

I am a sister belonging to St. Bartholomew's Hospital; there is a sister to each ward, there are thirty-two wards, thirty-two sisters, and thirty-two nurses; I am a sister to Matthews's Ward, I have been so about seven years, I have been in the hospital as assistant fifteen years.

Do you remember a person of the name

of Moses Hyams being in the hospital?—Yes, he came in the 30th of March, and was discharged the 13th of April.

What was his complaint?—A complaint in his side and his head, no wounds.

He was attended I suppose by the faculty?—Yes.

Look at the prisoner, and see if he is the man?—That is the man, I am positive of it.

And are you sure he came in the 30th of March, and was discharged the 15th of April?—Yes, a better man I never wish to see; I wish I was always treated as well by every man as by him; if I had twenty oaths I would swear it was the same.

That is an additional reason for your remembering him.

Court. Does not it appear by the books of the hospital, the time of the dismissal, and the time of the discharge?—I sent him to the steward for the discharge.

Mr. Knapp. Your Lordship sees the indictment charges it to be committed on the 7th, which could not be.

Court. Was the nature of the prisoner's disorder such as confined him to the hospital, and that he could not go out occasionally?—Certainly, the hospital confines them to it, they will not let them go out.

Are those that are in the hospital so confined?—Not without leave of the surgeon or physician, or by a discharge.

But such a leave would be on application given?—Yes, if he asked it, but he never did.

How do you know?—Because I should have known, because he was under a particular gentleman, that is Doctor Pitcairn, and if he had said he had wanted to go out, the doctor would have said, let the sister know when you go out and when you come in.

Will you venture to swear here that this prisoner at the bar was never out of the hospital from the 1st of April to the 8th?—Not to my knowledge he was not.

But he might without your knowledge?—He went down stairs to fetch provisions, we give them leave to do that.

How

How many persons have you under your care?—Fifteen.

Can you give an account of every thing these fifteen persons did during that week?—When I am present I can, but not otherwise.

Do you believe that that man was in the hospital without going out, from the 1st of April to the 8th?—He was to my knowledge, I know we sent him down stairs, he had his-linen washed in the place, so he did not go out for it.

NIGHTINGALE *sworn.*

I have known this man some time, I can say nothing only he has been a journeyman barber ever since I knew him.

GUILTY,

Of stealing, but not of breaking and entering the dwelling house.

Transported for seven years.

Tried by the first Middlesex Jury before

Mr. Baron PERRY.

MISDEMEANORS.

266. **ANTHONY BALLESS** and **STEPHEN EDWARDS** were indicted, for that they, on the 31st of January, 1788, in the county of Devon, on John Felton, then acting in aid and assistance of Thomas Bradley, then on shore, in the execution of his duty, in seizing for the use of our Lord the King, some foreign spirituous liquors, liable to be seized by the said officers, unlawfully and violently did make an assault on the said John Felton, and Thomas Bradley, then on shore, and in the execution of their duty.

Two other counts, for opposing and obstructing.

And, a third count for opposing only.

The indictment opened by Mr. Garrow, and the case by the Attorney General.

Gentlemen of the Jury, the two prisoners at the bar are indicted for obstructing, in the execution of their duty certain revenue officers, under circumstances so cruel, that I thought it fit that you should throw the shield of your verdict over the subjects of your country. Under the circumstances

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attending this case, I am not sure that the circumstances of the case would not have justified a severer mode of proceeding, they might have been proceeded against capitally, but by the act of parliament, there is a clause wherein they may be prosecuted by a mode as a misdemeanor, whereby they are only liable to be sentenced for imprisonment, not exceeding three years.

JOHN FELTON *sworn.*

I was aiding and assisting Mr. Bradley, who is since dead, in the excise, on the 31st of January, 1788, we went on purpose to search for a vessel called the Cobler, and we went to the house of Prouse; Mr. Bradley went with me, we demanded the key of the cellar; Prouse's wife said her husband was not at home, and she sent the maid after Prouse, but she staid a considerable time, so we broke the door open, and found about sixty inkers of brandy, gin and rum; we began to carry them out of that cellar to the house of Jones, about ten or twelve yards distant; we handed them one to another with this intention, to put them into Jones's cellar, to the last four of the kegs, when

G

Edwards

Edwards come and took one of the kegs away, there might be about fifty came with him, and as soon as Edwards came and took hold of the cask, they all rushed in and said, let us go in to the b—g—rs and take them out; Edwards seemed to be as active as any in taking the kegs; the keg which he got hold of was without the door, waiting for a man to come forward, and the mob rushed in, and carried off the other three, and I went up from the cellar, and saw no more of them; I went out at Prouse's fore-door, and the mob followed me and threw stones: this was soon as I got out of Prouse's house.

—How many might there be at this time?
—I suppose there might be about an hundred.

How long was you in this situation?—Above an hour; they drove me, I suppose, one hundred and fifty yards from Prouse's house.

During this time of being pelted by the mob, did you see either of the prisoners in that mob?—I did not.

How did you escape from this mob?—I stood with the pistol in my hand, and one of the cutter's people, Joseph Bray, with his pistol, threatening them, and the mate came up to our assistance, and we got to Jones's, and they threw stones and glass bottles at us all the way, and the gentleman Edwards came up with a cutlass, now, damn your eyes, says he, now will you shoot me? I said yes, unless he would keep off; he said, I will cut you down like a bullock, you b—g—r; he held up his cutlass towards me, and then he went down lower out of my sight; the mob was all surrounding the house, heaving the stones through the window, and broke all the glass windows but-side, and through the casement of glass belonging to the parlour where I was; they kept heaving stones continually till night.

What time of the day was this?—I believe it was about from two or three o'clock till the candles were lighted.

What happened to you personally at this time?—My arm was quite black, and they cut my leg with a stone, that I could not

walk to the cutter, but was obliged to be carried.

What else did you see Edwards do?—I saw him do no more; soon after I got into Jones's parlour, I saw the prisoner Ballefs come to the window and say, you may as well give yourself up, for you shall never go home alive; he had got a large stone in his right hand, but I did not see him heave it, but he had got it in his hand, and there might be above two hundred people near him at the time: I did not see him do any more.

What became of the liquor that had been carried out of Jones's house?—They did not take any out of Jones's house, it was so secured.

What time of night was it before this was well over?—I cannot tell what it was o'clock, it was just dark, and the candles were alight, I had directions to three other houses, but neglected to search.

Mr. Knapp's, Prisoner's Counsel. The mob first collected about at Prouse's house, and from thence you was driven about one hundred and fifty yards; how long do you think the mob was surrounding you before you got to Jones's house?—It might have been an hour.

Did not you drink at Jones's house?—No, I did not.

You are sure you did not?—Yes.
This was three years ago?—Yes, better than three years ago; I knew the house where Ballefs lodged, he lived on the Causeway.

Did any of your officers stay behind?—Yes, I was taken to the cutter, being disabled.

I believe Ballefs and you had had some quarrel since this matter happened?—No, no quarrell.

Was not you drunk once, and threatened him with your cutlass?—I attempted to duck him once; I suppose you would wish to know the truth, I attempted to duck him in Cawland, and I caught him by the collar, he tried to heave me down, and he snatched the cutlass, and ran away with it, that cutlass was returned to me by the surveyor

veyor coming over to demand it; it was returned by the woman he lived with: I say I was not drunk at that time, I am sure I was not.

Had you never said to the defendant Ballefs, that you knew no harm of him, and could swear nothing against him?—I said he never did me any harm, for a good reason, because he could not; he strove all he could do to do it.

Now could not he have thrown that stone at you at the time?—Yes, but he could not have hit me, for I had nothing to do but defend myself; I think if he could have hit me with it, it would have been very agreeable to himself.

Mr. Fiddling. It is a desperate undertaking to attempt to take one of these men in Cawland?—Yes, without it is in day-light, and you know them.

Mary Hill, whom we have heard of, is the woman who lived with him?—Yes, he lived with her.

JOHN NETHERTON sworn.

Mr. Garrow. Was you one of the assistants to the mate of the Eagle, the 31st of January?—Yes.

You went to make this seizure?—I was at Proule's house, we went into his house, down stairs in the cellar, and we proceeded to make a seizure, I believe I took the first keg out, and Mr. Bradley desired me to go up to Jones's, they were all got up, four or five, and I heard a cry that the men had got Felton upon the green; then I took my pistols and went into the middle of the men; there were one hundred and fifty or two hundred smugglers assembled about Felton, the place was full, and May had hold of Felton by the collar; then I gave him a stripe with my stick, immediately the stones began to fly like shot, as thick as hail, at Felton, and the rest of the officers; when he got round the corner, I had four or five stones on my back, I did not see either of the prisoners at that time; I saw both the prisoners at one time, one of them had a stone in his hand, that was the prisoner

Ballefs, he was doing nothing with it; I asked him what he was going to do with it, and if he did not put it down I would fire at him; then he dropped it; I did not know him before; I called him Brisk, a man said, mind what names you are speaking; then I thought it was not the same man; I saw him two or three minutes afterwards, I am sure he is the man; I saw the other prisoner, looking into the window with a cutlass in his hand, holding it up, and he said he would be damned but he would have me out, and cut me down; we were prevented from effecting our purpose; we had three houses more to search. I tasted the liquor at Proule's, it was brandy and gin; the windows were all broke in, with the discharge of the stones from the smugglers.

Mr. Knapp, another of the Prisoner's Counsel. You stated that there were a great number of persons present?—Yes.

The only person that had a stone in his hand was Ballefs?—Yes.

The moment you desired him to put it down, he did put it down?—Yes.

Did not Ballefs, at the time you challenged him with the stone, say, he was going to do nothing with it, and drop it down directly?—Yes.

You said you did not know Ballefs before?—No.

Have you known him since?—I have seen him since, many times since.

This happened in 1788?—Yes.

Have you not drank with him in a friendly manner?—Yes.

Did not you drink with him that very afternoon after this took place?—I was in the Black Bull when he came, I had a pint of porter before me, he partook of the porter with me.

Did not Edwards speak out so loud, that every body might have heard him?—Yes.

Mr. Garrow. Had you ever any warrant against Ballefs, when you was in the public-house?—No.

Which of the two instruments, the most execution, the stones or the cutlafs?—The stones.

JOHN

JOHN NEWTON *sworn.*

Mr. Attorney General. You are the Comptroller of the Customs at the port of Plymouth?—Yes. On the night of the 30th of January, 1788, a large smuggling cutter, by the name of the *Revenge*, was stranded on Kingston-beach; early the next morning I was informed of it, and went to secure the property: in the afternoon of the day about two, I received a message from Mr. Bradley, mate of the excise cutter, saying that he had made a seizure of a quantity of spirits, and was presently opposed by a large mob, and begged for God's sake, I would go to his assistance: I went; when I came up in the square, before the house of Jones the victualler, I saw a mob of people, to the amount of two hundred: the windows were broke presently, I saw Bradley, I made the best of my way to him through the mob with my men: the mob appeared to be very outrageous, and Mr. Bradley appeared to be very much agitated: I went with Mr. Bradley into the house, there I saw Felton, with (I think) a brace of pistols presented towards the door, he was very much agitated; the mob was still riotous, I saw the prisoner Stephen Edwards, with a cutlass in his hand, flourishing and making up towards the house; as soon as I saw him in that situation I made towards him, to secure him, conceiving him to be the ringleader; he made a blow at me with his cutlass, I suppose I was in Jones's house about an hour; a scuffle ensued, and the prisoner attempted to make his escape, he was pursued; several of the smugglers followed him, and blows passed, during which he made his escape.

Mr. Knowlys addressed the Jury.

ANTHONY BALLESS, NOT GUILTY.

STEPHEN, otherwise STREPHON EDWARDS, GUILTY.

Imprisoned three years.

*Tried by the London Jury before
Mr. Baron PERRY.*

267. **DANIEL WILD** was indicted, for that he, on the 20th of September last, in the parish of Tangmere, in the county of Sussex, on Andrew Hill, an officer of excise, on shore, in the due execution of his office and duty, in seizing for the King, four gallons of Geneva, unlawfully and violently did make an assault, and him being so on shore, in the due execution of his office, unlawfully did hinder, oppose and obstruct.

A second count for assaulting the same person.

A third count for hindering, opposing, and obstructing the same person.

The indictment opened by *Mr. Garrow*, and the case by *Mr. Attorney General*.

ANDREW AILL *sworn.*

I am an officer of excise stationed at Chichester. On the 20th of February, between five and six in the evening, I, in company with William Peachey, an officer of the customs, met the prisoner and his son at Tangmere; they had each of them a half anker carrying openly: knowing them to be smugglers, we demanded it of them: I went to the gentleman, and a battle ensued, and several blows passed, and I received a violent blow on my head, which cut my head through; I got the cask from him, and carried it about seven rods, and the prisoner seized hold of me by the collar, and his wife held me by the other side; at the same time I saw Charles coming at me with a stick, and I endeavoured to extricate myself from them, in doing which, I tore my clothes almost off: then I presented a pistol to Charles Wild, and told him if he did not desist, I would fire, for I was determined to take the cask; I was a minute or two in that situation, and after that I received this blow on the head from Charles Wild: the stick was about five foot long, with a large knob at the end of it, it was what they call a bludgeon; they kept the casks from me: I endeavoured to save the casks, and some of the liquor came out, and it proved to be geneva; at that time Charles Wild sent a lad to the hedge for a stick,

stick, and he brought one; he saw other people coming along, and Daniel Wild made a hauling up; he observed to me that there were more smugglers coming, the tub in Daniel's hand was never quitted by him, but he held it up; we never got possession of the cask any more, both the casks were carried away; we saw people coming in the further part of the field, but whether they came in consequence of the noise he made, I cannot say. Charles Wild we cannot find, I have heard he was in France: Mr. Peachey was a few yards from me when I had the blow over my head; at the time we were followed, I suppose Mr. Peachey was not two roods from us.

Mr. Knowlys, Prisoner's Counsel. This man here never struck you at all?—No.

You laid hold of him, I suppose?—I never put my hand upon him at all.

WILLIAM PEACHEY sworn.

I was with Hill at the time of the transaction; on the 20th of February last we met with Daniel and Charles Wild, he was conveying half an anchor of spirits; I immediately went up to the prisoner and demanded his cask; he stood with his hand up, and says, damn your eyes, stand off; says I, Mr. Wild, lay it down quietly and get off; I saw my brother officer engaging with Charles, he being a stout powerful young man, I went to my partner's assistance; Daniel putting the cask down, Hill took the cask in his hand, and carried it several roods; Charles Wild came up with a great stick directly, and struck him; the woman that was with him took hold of Mr. Hill's frock, I believe she was Daniel's wife, I am not sure; Daniel, after several blows passing sent a lad after a great stick, I saw this stick coming towards us; I had been ill two or three days, I says to my brother officer, let me beg of you to withdraw, we took out our pistols, and threatened to fire: they said, damn your pistols, we do not mind them: then we retreated; says I, I know them both perfectly well, we have taken one cask, and they have taken it back again, we can do

nothing but fire; do not take away a man's life for a cask of gin, it is not worth while: they carried away both the casks, we saw several people coming, but they appeared to be smugglers.

Mr. Knowlys addressed the Jury for the prisoner.

GUILTY.

Imprisoned one year.

*Tried by the London Jury before
Mr. Baron PERRY.*

268. WILLIAM FRENCH was indicted for obtaining a quantity of buttons, by false pretences, the property of John Trelawney.

JOHN TRELAWNEY sworn.

About the 8th or 9th of February last, Mr. Martin and his apprentice Howell came to me with two quantities of buttons, and a written card, and told me he had never had them, though I charged him with them; I sent him the overplus, besides what French had, by which means the fraud was discovered; he said he never had the six dozen of coat, nor the eight dozen of breast buttons; on my return about three months after, I found the prisoner in custody; the prisoner said he would ruin me and my house for ever.

Mr. Knowlys, Prisoner's Counsel. You did not see him the first time?—No, I was not at home.

JOSEPH MOORE sworn.

I am servant to Mr. Trelawney. On the 8th of February last, a person came to the shop, whom I believe to be the prisoner; I think, to the best of my knowledge, that is the person, but I cannot swear to him; he brought a written order, purporting to be an order from Robert Martin for six dozen of coat, and eight dozen of breast buttons, [the order delivered in] he gave the order to the apprentice, John Holmes, he referred it

H

to

to me; I asked the prisoner if he brought that order from Mr. Martin; he said he did; in consequence of which I looked out the goods agreeable to the order, which I delivered into his custody, six dozen coat, and eight dozen breast black imperials; I made them up, a bag of coats and a bag of breasts, and sent them down to Mr. Martin's with the order, by which the fraud was discovered; about two months after this prisoner came to our house and was detected.

JOHN HOLMES *sworn.*

On the 8th of February the prisoner came to our house, and said he came from Mr. Martin's, he gave me the order, I could not look them out, so I gave them to my fellow servant, and he looked them out; he gave him the buttons as mentioned in the order, and I never saw him till he came again, which was the beginning of May; and in consequence of my knowing him he was committed, I know that to be the man that came with the first order, I had seen him two or three times before.

Mr. Knowlys. How was he dressed on the 8th of February?—Much the same as now, but he had a white handkerchief and round hat.

ROBERT MARTIN *sworn.*

I am a sloop-seller, William Howell is my apprentice; this order is not my hand-writing, nor my apprentice's, the name Howell on the front of the card is my apprentice's writing; he marked his name upon it to know it again. I gave no such order, I know this to be one of my cards.

WILLIAM HOWELL *sworn.*

I am apprentice to Mr. Martin, this name on the back of the card is my hand-writing, I put it there to know it again, the other part is not my writing; it came to our shop with the bags of buttons, I shewed it to my master, it is signed William Howell; the W is put topsy turvy.

Prosecutor. We buy these buttons as silk and mohair.

Mr. Knowlys addressed the Jury on the part of the prisoner.

GUILTY.

Whipped and imprisoned six months.

*Tried by the London Jury before
Mr. RECORDER.*

The OPINION of the JUDGES upon the CASE of JOHN CLINCH, who was convicted in January Sessions of FORGERY, delivered by Mr. Baron PERRY, Thursday, June 9, 1791,

JOHN CLINCH, You was in January sessions, here at the Old Bailey, tried before me, on an indictment for forging a warrant or order unto James Purser, for the delivery of goods, on the statute of the 7th of his late Majesty, with the name of Lewis Deformoacks thereto subscribed, purporting to be the subscription of Lewis Deformeaux, you being his servant in the business of a silk-dyer, purporting it to be a warrant or order to him, as servant, for the delivery of eight pounds weight of raw silk, to the bearer of the said warrant, or order, the tenor of which was set forth in the indictment, and was in these words as follows:

"Please to send by the bearer of that 'wharpe unmarked. L. Defamoacks.' With intention to defraud the said Lewis Deformeaux.

There was another count for uttering the same, knowing it to be forged, with the like intent.

And, a third and fourth counts, for forging and uttering the same, with intent to defraud James Purser.

It appeared in the evidence that was given on the trial, that the prosecutor Lewis Deformeaux was a black silk-dyer in Spital-fields, that the prisoner had formerly lived with him as a servant or journeyman. On the 7th of December last, about eighty pounds weight of raw silk was taken by James Purser, then a journeyman, to his own house, and delivered by him to his wife, Mrs. Purser, and who received this silk; she deposes, that on the 17th of December, after she had received this silk, the prisoner came to her house, and applied to her for eight pounds of silk, to take to a

Mr. Hacker's, who dyed colours, and she told him, she had not so small a quantity; upon which the prisoner said that it was to be eight pounds weight of that silk wharpe she had had that morning delivered to her; and that Mr. Hacker, a dyer of colours, had sent for it to Mr. Deformeaux, and his son had sent the prisoner to her for the silk. She then asked him if he was sure he was sent, he then produced this warrant or order, which is set forth in the indictment, informing her at the same time, that the son of the prosecutor had sent him with that order; she also swore, that understanding that the son was an apprentice to his father, the prosecutor, and managed the father's business in his absence, she gave him the goods, and he received them. She also said, that at the time, she believed the prisoner had been seen by the son, and the name to the warrant or order, was his hand-writing; she did not at that time attend to the spelling of the name, nor did she know how he did spell it, for the name on the order was Defamoacks, and the name of the prosecutor was Deformeaux. She said she gave him the silk on the credit of the said note, about seven pounds ten ounces, and she proved the warrant or order, which warrant or order was proved by the prosecutor's foreman and son not to be his hand-writing.

This seems to be the evidence in this case, and after the evidence had been gone through, the Counsel for the prisoner took several objections on the act of parliament, and also on the form of the indictment; and this being a new case, sentence was respited in order to take the opinion of the twelve

twelve Judges, whether the warrant or order as stated in the indictment, was a warrant or order against the statute.

The Judges have taken this case into their very serious and deliberate consideration, and they have had more than one conference upon it. On the result of which they are of opinion,

First, that on the construction of this statute, on which the prosecution is founded, that the warrant or order for the delivery of the goods, must be either by the owner, or the person who has the disposing power to do it. This judgment on this subject was supported by a variety of cases, as in Mitchell's case in King William the third's reign, and in Jones's case in the Old Bailey, from which they thought that the warrant or order must be directed to the holder, or to the person interested in, or having the possession of the goods. But in this case, by this warrant

or order, set forth in this indictment, it was not directed to any person whatever, for the whole of the warrant is, Please to send by the bearer eight pounds of that wharpe unmarked, L. Defamocaks, without giving any direction to any person whatever. On that ground they were of opinion, that this case, in this indictment, could not be supported.

Secondly, they were of opinion that this indictment was informal, for it ought to be stated in the indictment, that the person subscribing his name had an authority to do it; and in this case it is only to be collected by an infant whose name is Desormeaux, that such a servant had such an authority, and therefore we were all of opinion, that an express authority ought to have been alledged; on this ground judgment must be arrested, and in consequence thereof the prisoner be discharged.

The Trials being ended, the Court proceeded to pass Sentence as follows:

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Brown, William	—	—	228
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To be imprisoned Three Years, 1, viz.

Stephen alias Strephon Edwards.

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Daniel Wild.

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2, viz.

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To be confined Six Months, 7, viz.

Robert Cooksley, (fined 1s.) John Norman, (fined 1s.) John Hirst, (fined 1s.) Thomas Clarke, Mary Woolley, (fined 1s.) Thomas Parker, William French.

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19, viz.

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Boyd, William	—	—	241
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NUMB. V. PART II.

To be confined One Month, 2, viz.

Elizabeth Mac Cormick, alias Bolton, (fined 1s.) James Dalton, William Sullivan, (fined 1s.)

To be confined a Fortnight, 3, viz.

Andrew Beardson, James Maclochlin, Catherine Neeland, (fined 1s.)

To be Whipped, 7, viz.

Richard Martin, James Smith, William Abbott, James Dalton, Thomas Clarke, Thomas Parker, William French.

I.

The

The Trial of WILLIAM COOK was postponed to next Sessions.

ELIZABETH CUMMINS, a capital Convict, received his Majesty's Pardon, on condition of being Transported for Life to Botany Bay.

The next Session will begin on Wednesday, the 20th of July, at the Old Bailey.

ERRATA.—No. 232. ROBERT COOKSLEY, for *Transported for seven years*,
read *Imprisoned six months, and fined 1s.*

ИТАЛ. V. 8441

THE
TRIALS AT LARGE

OF THE
CAPITAL and other CONVICTS,

ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 20th of JULY, 1791, and the following Days;

Being the SIXTH SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON,

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

NUMBER VI. PART I.

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T H E
TRIALS AT LARGE,
 OF THE
CAPITAL and other CONVICTS,
 ON THE
**KING's Commission of the Peace, Oyer and Terminer, and
 Gaol Delivery for the City of LONDON, &c.**

BEFORE the Right Honourable JOHN BOYDELL, LORD MAYOR of the City of London; the Honourable Sir FRANCIS BULLER, one of the Justices of his Majesty's Court of King's Bench; the Honourable Sir JOHN WILSON, one of the Justices of his Majesty's Court of Common Pleas; Sir JOHN WILLIAM ROSE, Serjeant at Law, Recorder of the said City; JOHN SILVESTER, Esq. Common Serjeant of the said City; and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

London Jury.

William Robert Wilson
 Richard Bullock
 Richard Clark
 James Duthort
 William Illstone
 John Butrowes
 Jonathan Smith
 Thomas Potts
 Joshua Gregory
 Thomas Wright
 William Packer
 James Hickman

First Middlesex Jury.

Richard Holbrook
 James Hogarth
 George Young
 John Hall
 Thomas Holmes
 William Thistleton
 Nathaniel Thorley
 Paul Barbutt
 James Jones
 Daniel Collards
 John Loosely
 Robert Stone

Second Middlesex Jury.

John Cole
 William Winncombe
 Francis Thompson
 Floriman Geddard
 Matthew Haycock
 John Prussairt
 George Myers
 Thomas Fendall
 William Lording
 Thomas Seardifield
 Robert Clännage
 Henry Hunt

269. **T**HOMAS GODFREY and JOHN SMITH were indicted for feloniously assaulting John Mazzinghi, on the King's highway, on the 21st of June last, putting him in fear, and feloniously taking from his person and against his will, a watch in a gold case, value 5l. 5s. two stone seals, set in gold, value 2l. 2s. one metal chain, value 12d. a silk purse, value 6d. a guinea, and six shillings in monies, his property.

JOHN

JOHN MAZZINGHI *sworn.*

On the 21st of June I was going from London to Waltham-crofs, in my one-horse chaise, I was attacked about half past nine in the evening, near the Nine-mile-stone; I followed the mail-coach up to the Eight-mile stone, and I saw a man on the foot-path, which which is higher than the road, he passed me rather in haste, I had some apprehensions, I turned my head, and saw the prisoner jump from the foot-path into the road, it was the same man I first saw pass me, I observed no other man at that time; I immediately turned my head to whip the horse on fast, I saw two other men approaching me in front, they were within four yards of the head of my horse; I heard a voice of one of them which I could not distinguish, say stop; and I answered what do you want? in the interim one of them took hold of my horse's bridle, that was neither of the prisoners; then the prisoner Smith spoke to me first, and said, your money immediately, Sir, and presented a pistol at my head; the tall prisoner Godfrey came on the left hand and presented another pistol, he took it out of his great coat; I said Oh! you shall have my all: in the interim, as I turned to whip the horse, I had six guineas and a half loose in my waistcoat pocket, which I dropped into the chaise; immediately I put my hand in this right-hand pocket, where I in general keep loose silver; says I, here is six shillings, and I gave it to Smith; then he stopped and felt at my pockets for two minutes; they asked me for my purse; says I, here is a purse, and there is a guinea in it. Smith felt for my buckles; says he, those are silver; yes, says I, they are; says he, we must have them: they took no farther notice of my buckles, but seeing my chain, they asked for my watch; my buckles were very strong made, however massey they are, in trying whether they were silver or not, one of them was broke; I then pulled out my gold watch and gave it to them, and a metal chain, and three gold seals. I had very fortunately made a present of a gold

chain which I had a few days before; just as I was handing the watch, says Smith, to me, I do not believe there is a guinea in the purse; yes, says I, you will find there is: and says I, there are some papers of consequence; I had a draft for two hundred guineas in the purse. I must confess that their behaviour towards me was such, that gave me, notwithstanding my fright, some degree of courage; they did not use one bad expression, they behaved extremely civil, more than I could expect; I then said, gentlemen, it is a metal watch, and a metal seal, they are of little consequence to you, I should be obliged to you for one of the seals, which has my coat of arms on it: the man that held the bridle, says, why d—n me, give it to the gentleman, give it to him; that is the man that is not here. Smith tried to tear off the seal, but he could not; and I said it goes on a swivel, if you will give it to me I will take it off; but Smith would not trust me with the watch, and he held it while I took off the seal. I said, have you spit your spite? they said yes: then says I, shake hands, and Smith shook hands with me, and he wished me a good night, and I wished them good luck; that was full eight minutes, it was the longest day. I wish I had the least doubt of them, I wish I had.

You have no doubt?—Oh, none, I swear to him both by his face and his coat: I wish I had any doubt, I should be glad to save the lives of two fellow creatures; they had their hats on, round hats; these two men were quite near my chaise, the other man I could not positively swear to; I did not see them till I saw them at the Justice's the Tuesday following: I believe this was on the Tuesday before. I never recovered any of my property.

ROBERT DAWSON *sworn.*

I am an officer belonging to East Smithfield; I apprehended the two prisoners on the 25th of June together in bed, in Swan-alley, East Smithfield; I found nothing on them.

PETER

PETER MAYNE *sworn.*

I apprehended the prisoners together with Dawson, I had an information of them.

**PRISONER GODFREY'S
DEFENCE.**

I was going to East Smithfield, and Dawson detained us, and gave us a great deal of trouble, and Dawson extorted upon us, after Sir Sampson Wright said we were not guilty, and he took one guinea, besides all opportunities, and threatened to get a press-gang, and send this man to sea, and I really believe that he has now taken me up on the same circumstance again, because there never was any proof of my being guilty of any thing of the kind, nor I never was accused of any thing.

PRISONER SMITH'S DEFENCE.

I can only say the same; Dawson took me on suspicion.

Dawson. My Lord, it is very true that a little while ago I did take them to Bowstreet in consequence of an information; Sir Sampson referred them to East Smithfield to be discharged. I am upon my oath, and I declare I never had a guinea or a shilling; for every thing I had in my life returned them every thing, that I had a suspicion was stolen.

THOMAS GODFREY, }
JOHN SMITH, } **GUILTY, Death.**

*Tried by the first Middlesex Jury before
Mr. Justice WILSON.*

Mr. Mazzingbi. My Lord, after I have fulfilled that duty which I owe to the laws of my country, permit me most humbly to recommend the prisoners to his Majesty's mercy; and indeed, my Lord, their treatment, in some measure, merits it, and I should be very sorry to see the lives of two fellow-creatures taken for an assault, where no personal injury is done, and I hope the Jury will join me.

Jury. We beg leave to recommend them also.

Court. The crime is very bad in itself, but to be sure there are degrees in it, and it is not so bad when those people use no violence, and behave with civility, it is not so bad a thing as when they beat people and hurt them.

270. HENRY MATTHEWS was indicted for stealing, on the 28th of June last, six plumes of ostrich feathers, value 100l. and two woollen wrappers, value 4s. the property of Francis Alwin.

A second count, laying it to be the property of William Flowers, and Justice Hudson.

ROBERT ELY *sworn.*

I am apprentice to Justice Hudson, at No. 1, Fleet-market: William Flowers is his partner; the feathers were lost on a Tuesday night between eight and nine; I was passing through St. Paul's Church-yard, and the prisoner stood at No. 19, I had them on my shoulder in two wrappers; he called to me, and said, my lad, will you call me a coach? and he told me if I would leave my bundle with him he would take care of it till I came back; I told him I would call a coach, but not leave my bundle, and then I got him a coach to the door, No. 19, Mr. Simpson's, in St. Paul's Church-yard; he stood under the door, and had hold of the knob that opened it; and as soon as I had called the coach, he ordered it to turn about; the prisoner took the feathers off my shoulder, and put them into the coach with my consent. He asked me to go down the first turning with him, to help to bring a box and hamper, and he would pay me well for my trouble; when I got down the turning a bit, he gave me a shilling, and told me to go into a public-house and get a pint of beer, and change for the shilling, and that he should be there by the time; I had the beer, I waited some time, but no person came; I then went up to St. Paul's Church-yard to look for the coach, and found it was gone; I was going to take them to Wallbrook, where

where the owner of the feathers lives, his name is Francis Allen; he was not more than ten minutes with me, he had a round hat, he was a stranger to me, I put them in the coach, and left them in the coach, and took the number; I left nobody with the coach but the coachman.

Mr. Knowlys, Prisoner's Counsel. Did you say before the Alderman that you was sure he was the person?—No; I said to the best of my knowledge.

Was he taken the same day?—No, the day after; I am sure he is the man, I mean to swear positively to him; I never took an oath before, therefore saying to the best of my knowledge, was because I did not know that it made any difference; I never had a doubt of his being the man.

JUSTICE HUDSON *sworn.*

I am a coffin-maker and undertaker, my partner's name is William Flowers: on the 28th of June, Tuesday, I had these feathers of Mr. Allen, I am answerable to him for them, six plumes of white ostrich feathers, I delivered them near seven o'clock at night to the boy, I saw them in the wrappers next day before the Alderman; I packed the feathers, I know the wrapper to be the same I packed up, they were directed to one of the city marshals, Mr. Clarke, they were the same I packed up.

Mr. Knowlys. It was nine o'clock when you sent this boy away?—I cannot speak to a minute, I speak now within ten minutes.

PHILIP PRICE *sworn.*

I am a coachman; this boy called me with a bundle upon his shoulder, ordered me to turn about; I followed him to Mr. Simpson's, in St. Paul's Church-yard; a man came up to me, and stuttering, asked me the way to Temple-bar; the prisoner came on the opposite side, and said the boy is coming, and took the property out of the coach; I pursued him, and took them upon him; the goods were wrapped up in woollen cloths. The goods were put in by a man and the boy; the prisoner is the man,

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he said the boy is coming; I took the property from him, he was about seven or eight yards from the coach; I called after him, he stopped; I took the things from him, and put them into the coach, I pulled up both my glasses; another chap comes and orders me to open my door; I did so: he said, I hope you have not lost the property, it is of great value; I said no: I got upon my box, and drove him to Shoe-lane; then he ordered me to Stone-cutter-street; he pulled the string, I stopped; he got out of the coach, and he gave me a shilling; it came into my head he was not the owner, I followed him to Bear-alley; then the prisoner came up, and rescued the other man, and knocked me down; I got assistance, and he was secured, he was put into the New Counter, he was examined next day; he is the man that knocked me down, he had not them clothes on.

Mr. Knowlys. The man at the bar is the man who put in the goods?—I cannot say positively.

You have told us it was dark?—Yes.

Did you never make any enquiry about a reward?—No, I never did.

Is this answer as true as every thing else you have said?—Yes.

PHILIP JOCEYLIN *sworn.*

I am a constable, I took charge of the prisoner.

Mr. Knowlys. Do you know the last witness?—Yes.

Did he ever ask you if there was any reward?—Yes.

What did you tell him?—I told him to apply to the Court.

Prisoner. I leave my defence to my Counsel.

Philip Price. He called me about a quarter past nine, the watch was not set; I waited some time before any body came to the coach; I gave the feathers to Jockeylin, he delivered them at Guildhall the next day.

Philip Jockeylin. I received a plume of feathers in two wrappers, I took them before the magistrate.

B

JOHN

JOHN CLARK *sworn.*

I received these feathers of Jockeylin, they were sealed at Guildhall; I have had them ever since.

(For the prisoner.)

Mrs. EMANUEL *sworn.*

I am a married woman; my husband sells glass and china. I have known him two years, a hard working man; and I believe him a very honest man; he is a butcher; I have bought meat of him.

ROBERT SILVER *sworn.*

I am a confectioner. He bore a good character; I never heard any thing bad or wrong of him; I believe him to be very honest.

GUILTY, (Aged, 30.)

Transported for seven years.

Tried by the London Jury before

Mr. RECORDER,

271. **THOMAS SINGLETON** was indicted for stealing one linen handkerchief, value 6d. six linen shirts, value 10s. six muslin neckcloths, value 12s. two pair of cotton stockings, value 2s. two other linen handkerchiefs, value 1s. a velveret waistcoat, value 2s. one muslin ditto, value 2s. one fustian jacket, value 1s. the property of James Dickinson.

(The witnesses examined separate.)

JAMES DICKINSON *sworn.*

I am an apprentice. I lost the articles mentioned in the indictment, in Fenchurch-street; I was going home with this bundle, it was in my hand; I am fifteen years old: my father finds me in clothes. The prisoner stopped me, and asked me if my name was not Dickinson? I told him yes; he asked me if I was not apprentice to Mr. Allen? I told him yes; he

told me he had just come from my master; he told me my master had described me to him; he said there was a gentleman at my master's, just come out of the country, whose name was George; I was to go back to the White Hart Inn in the Borough, and there was a pair of large saddle bags; I was to bring them; he said there was a good load; he was going back to my master's, and he would carry back the bundle; I delivered the bundle to him; there was no saddle bags at the White Hart; I have never seen the things since; the prisoner was taken next morning; I saw him; he is the man who took the bundle.

Prisoner. Are you sure I am the man? —Yes.

BORRODACH DICKINSON *sworn.*

I am the father of the last witness. I know nothing of the matter, but what the boy told me; he was taking the bundle from before nine o'clock on Saturday, the 8th of June; it was clean linen; he returned about ten the same evening, without the property; I asked him if he should know the man who robbed him? he said yes; he gave a very minute description of the man; and I immediately suspected him, as I had known him before; I asked him how he could do such a thing; he said he was not the man; I then apprehended him.

James Dickinson. I had seen him two or three times at my father's before the robbery.

PRISONER'S DEFENCE.

It is very odd; I have been at his father's house four months; I was at Bow fair from five till eleven at night.

James Dickinson. It was ten minutes past nine o'clock, at the corner of Fenchurch street, I was robbed; as I was coming up Fish-street-hill, I turned round and looked at the clock. I was going from my father's house to my master's, in Somerset-street, Whitechapel.

For

(For the prisoner.)

WILLIAM BACON *sworn.*

I am a bricklayer's labourer. From eight o'clock, till half past ten, I was with the prisoner at Bow-fair; I never left him during the time; we were in a public house; I believe it is the King's Arms; the first house on the left hand; the front room; there were many other people there; I drank along with that gentleman at the bar, and nobody else; I met him in the same house; I know but little of him, only being a neighbour; I live in Gravel-lane; it was of a Saturday, in Whitfun week; I cannot tell what day of the month; I was there on Saturday, and no other day. That gentleman's father found me, and summoned me up; his father is a carpenter; I lived near St. Thomas's Hospital; I have changed my habitation lately; I do not know the prisoner's occupation.

The prisoner called another witness to his character.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

272. **RICHARD LATIMORE** was indicted for stealing, on the 23d of May last, a cloth coat, value 18s. a velveteen waistcoat, value 7s. a pair of corderoy breeches, value 10s. a pair of linen sleeves, value 12d. a knife, value 6d. a pair of steel knee-buckles, value 4d. and five shillings in monies numbered, the property of Samuel Taylor.

SAMUEL TAYLOR *sworn.*

I am a butcher at Brewer-street, No. 27. The 23d of May, I lost the things in the indictment, from No. 3, in Middlesex-court, where I lodge; it was the first night of my lodging; the prisoner slept with me; he

came to bed about eleven; the things were all safe over night; I counted my money, and put my breeches under my head; in the morning, at seven, I awaked, and they were gone; I am sure it is the same man.

JAMES DUNN *sworn.*

I took the prisoner four or five weeks ago; I found a knee-buckle upon him; I took him in St. Martin's-lane, at Mr. Collet's; he was undoing his knee of his breeches, and was taking out the knee-buckle; he clasped it in his hand; no more of the property has been found.

ELIZABETH DIGBY *sworn.*

The prisoner lodged with me; I said I did not choose to take him without a character; he said that his lodgings were over Black-friar's-bridge; he gave me six-pence earnest. On Monday night I told him there was a young man slept with him, and he said he was glad of it; and he went out early in the morning, and never came to lodge again.

Court to Taylor. Look at that knee-buckle; do you know it?—The knee-buckle I lost was very much like that; it had no particular mark on it.

PRISONER'S DEFENCE.

When I came to bed about eleven at night (this young man went to bed about nine, or a quarter after) this gentlewoman says to me, you have got a bed-fellow with you; the door was wide open, and I saw no property at all, nor the next morning; and I went to work; there were other lodgers in the house; they might go out at any time of the night they thought proper.

Prosecutrix. Mine were all honest lodgers.

GUILTY.

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. Justice BULLER.*

273. **LEVY**

273. LEVY BIBBALL and CHARLES CLARK were indicted for burglariously and feloniously breaking and entering the dwelling-house of Charles Maits, about the hour of two in the night, of the 12th of July, and burglariously stealing therein, two pen-knives, value 6d. one guinea, value 1l. 1s. four pounds, eight shillings and nine-pence, in monies numbered, four hundred and seventy-four halfpence, and one hundred and eighty-five farthings, his property.

A second Count, for that they being in the same dwelling-house, and having feloniously stolen the same goods, burglariously did break out of the said dwelling-house, against the statute.

CHARLES MAITS sworn.

I keep the Coach and Horses, Holloway, in the parish of Islington. I went to bed the 12th of July, about ten; I was not alarmed in the night; I was called about five in the morning; my house was all fast when I got up. One of my lodgers concealed himself in the kitchen after we were gone to bed; there were spring locks and bolts; and he opened the door to give the property out to another; he owned to it; the prisoner Charles Clark has drawn beer for me about a month; we missed the drawer out of the shop; I keep a chandler's shop and public house both; there was halfpence in the drawer the night before; I cannot tell the quantity we found on the prisoner; there was nineteen shillings and nine-pence in halfpence, and three shillings and ten-pence in farthings; I cannot justly say how much money I left in the drawer the night before; there were a number of halfpence, I suppose fourteen or fifteen shillings worth, to the best of my knowledge; there might be more.

Was there any money there besides halfpence?—Not in that drawer; I discovered that the drawer and the basin was gone; I had a suspicion of this man, Levy Bibball; he lived anywhere; he lodged about in hay-fields; he did not lodge in any part of the premises that night; I have a witness

that saw the door open, and shut it; I saw him again about half after ten; I charged a constable with him, and he confessed.

Court. Now, before that, did you tell him it was better to confess?—I told him it was better to confess.

Court. Then say nothing about that.

Maits. I have got six pounds, thirteen shillings, and four-pence farthing, which the prisoner delivered up to me again.

When was Bibball taken?—The same day; they were both taken together; I told Bibball it was better to confess; I got the halfpence from Bibball, and four pounds, eight shillings, and nine-pence, from Clark, and one guinea in gold, the same day, between twelve and one; I can swear to the silver three-pence, which is in court; and a pen-knife in the drawer, I can swear to.

Which of the prisoners brought the three-pence to you?—I had the three-pence and the knife both from Clark; this knife I can swear to; I gave them to the constable.

HENRY HAWLEY sworn.

I am the constable. I received these things at eight in the morning; I found this money in a hay-stack belonging to one Mr. Tuck; the prisoner Clark went and shewed me; I apprehended Bibball; I found nothing upon him, nor by his direction, only Clark; I have kept it ever since; it is the same money and knife.

ANN MAITS sworn.

I am wife of the prosecutor. I went to bed between eleven and twelve; I desired Bibball to fasten the back door, and put a man out of it; I went to lock the cellar, and to fasten the door; and when I came up, I never saw him afterwards.

Was the man put out?—Yes; he put him out himself; when I came up, I went and fastened all the doors; I locked the shop door on the spring lock and bolt; the key was lost; there is one bolt at top and one at bottom; there were two bolts; I am sure I fastened both bolts; I did not know

know but Clark was gone to bed; I did not see him after that evening; I was up between five and six; I was informed my shop-door was open; I saw the money after all the doors were shut.

JOHN ROBINSON *sworn.*

I was up about two in the morning; I am a cow-man; I was putting on my shoes, I carried them down in my hand for fear of waking the child; I lodged next door to the shop, and I found the door of the shop open: I called twice, and nobody answered.

WILLIAM FRANKLIN *sworn.*

I was coming home from work across the fields, and I saw Levy Bibball in a ditch, as I came across the fields in the morning, in Mr. Symmonds's fields, within four hundred yards of the prosecutor's house, about ten o'clock in the day; I asked him where he was going; he said spreading dung, and I left him; as I was going over the stile he said, Will; I said what do you say? he said you need not tell Mr. Maits you saw me.

JOSEPH GOSS *sworn.*

I am an officer; Maits came to my house, I took charge of Clark; this money came out of the field under a piece of turf in a ditch, about four hundred yards from the prosecutor's house.

Court to Franklin. Did you see the place where the money was found?—Yes, Bibball told me where the money was, and I went with a constable about it; he said it was in the ditch under a turf.

PRISONER BIBBALL'S DEFENCE.

I know nothing at all of the affair; they made me fuddled, I do not know what they said.

To Charles Clark. What have you to say for yourself?—They made us both in liquor; I know nothing about it.

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LEVY BIBBALL, NOT GUILTY.

CHARLES CLARK, GUILTY Death.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

274. ANN KANE was indicted for feloniously stealing, on the 16th day of July, twenty yards of muslin, value 39s. the property of Robert Hinckesman, privately in his shop.

SIMMONS *sworn.*

On Saturday evening, the 16th of July, the prisoner at the bar came to our shop, and asked for some muslin; I shewed her some; there was another woman who had come in about ten minutes before, and said she must be served immediately, or could not stay, who asked for the same kind; it was rather dark, and the prisoner asked for a light; I said she had better take it to the door to look at it, as I had no person to get a light, for a friend of mine came in at the time, and being rather embarrassed with the two customers, and suspecting them, I asked him to attend on the prisoner, while I attended on the other; I went again to the prisoner, and she had fixed on some muslin, and asked the price; I asked her eight shillings and six-pence; she said she wanted two yards, and would give me eight shillings; just at that moment my master Mr. Hinckesman came, and I told the prisoner to go to him, and he would cut it off for her; I then counted my muslins, and found one piece gone, and told the other person to write on a piece of paper, and take it to Mr. Hinckesman, that I suspected the prisoner had taken a piece of muslin; he let her go out, and I followed her, and brought her back into the shop, and I saw her drop this piece of muslin from her.

(Produced and deposed to.)

EDWARD TREADWAY *sworn.*

I took charge of the prisoner, I searched her, but found nothing on her.

C

Mr.

Mr. Garrow, Prisoner's Counsel, to Simmons. Before this piece had been removed from the place where you had laid it, there was a young man, a friend of yours, came in?—There was.

Your master came in before this could have been removed?—No, I believe not.

Mr. Garrow to Treadway. After this woman was in your custody, she was left alone for a considerable time, and might have gone away if she had chose it?—She might certainly.

Court. Who was with her?—Simmons was with her.

Mr. Garrow to Simmons. On your suspecting that these persons did not mean what was honest, and the other pressing you to attend to her, you directed your friend to attend to the prisoner particularly, whilst you served the other?—Yes.

He was then particularly directed to attend to this woman, and to see whether she did any thing that was wrong?—Yes.

So that whether your friend saw the muslin removed afterwards, of course you cannot tell?

Court. What had your friend to do with the shop?—He was waiting to go with me to spend the evening.

The prisoner called five witnesses, who gave her a very good character.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

275. WILLIAM MEREDITH was indicted for stealing, on the 2d of July, fourteen shillings and two six-pences, the monies of William Simms.

WILLIAM SIMMS *sworn.*

I live in Bishopsgate-street, I am a school-master; about five weeks since I was informed, by my son he had lost several sums of money; I put about twenty shillings which I had marked into my own drawer,

which my son uses occasionally, it was in a garret, next room to that in which the school was kept; I marked it with an iron stamp on the 2d day of July; I marked fourteen shillings and two six-pences; I marked one with a bradawl, the rest were marked alike, and all in the same drawer; I missed money on the 28th of June; this was the first time I missed twenty shillings, I put the twenty shillings into the drawer not more than an hour before they were gone; the fourteen shillings and two six-pences were missed in the space of an hour also; I called the prisoner into the parlour, and asked him if he had been into my son's room; and he denied it; upon which I sent for a constable, and told him to search: he had concealed the fourteen shilling and two six-pences wrapped up within his breeches, and he said there were three more concerned, that he was not alone, nor were any promises made to him; the constable has the money.

ROBERT CLITHERO *sworn.*

I am a butcher and constable, I was sent for by Mr. Simms, the 30th of July, about two o'clock, I went to examine him, and he gave me this paper which contains the money.

(The money produced and depoted to by the prosecutor.)

To Simms. Did you lock the drawer?—I did, and it was forced open by this screw-driver; the constable found it in the school-room.

Robert Clithero. The prisoner delivered the screw-driver to me, and told me he opened it with that instrument.

Prisoner. I have nothing to say, I hope you will forgive me.

GUILTY. (Aged 14.)

276. CHARLES GILL was indicted for burglariously and feloniously breaking and entering the dwelling-house of John Babb,

Babb, about the hour of one in the night, of the 25th day of June last, and burglariously stealing therein, twenty-eight pair of worsted stockings, value 24s. one worsted stocking, value 3d. five yards of silk, value 5s. the property of the said John Babb and Samuel Cooper, in the said dwelling house.

A second count, laying it to be the property of John Babb, and Samuel Cooper, in the dwelling-house of one Robert Bowen.

The witnesses examined separate.

JOHN BABB *sworn.*

I am a hosier, I live in Leadenhall-street, my house was broke open on Saturday the 25th of June: we have a ware-house under the shop, which has a sash-window to it, secured by iron bars, it is part of the house, it was secure when I went to bed, to the best of my knowledge; at twelve o'clock I went down to every place but that, the house was secure; at a quarter before four o'clock, I was alarmed by the watchman, it was light, full day-light; one of my servants looked out of the window, and the watchman informed us we were robbed; I did not go into the warehouse till eight o'clock, a pane of glass seemed to be cut out, the sash was not opened, only the pane cut out; they got out a quantity of hose, there were twenty-eight pairs of worsted stockings, and many other things which I cannot ascertain; they are the property of Babb, Cooper and Bowen. They are the property of Babb and Cooper only in fact, because Bowen was not in partnership with us in this stock, it being an old and prior concern, and Bowen is but recently come into the partnership; I saw part of the goods on the same Saturday morning, they appeared to be got out by a hook. I found my warehouse in a very different state, part of the goods are in the hands of the constable.

JOSEPH PAGETT *sworn.*

I am servant to Mr. Babb; I was in Mr. Babb's house, on the 25th of June, I

saw at four or five o'clock the window, I cannot tell exactly, the square was out of the window, there appeared to be less goods than when I saw them before; I was in the warehouse many times on Saturday, many articles were kept in the warehouse; I found the hook a little below the window on the inside.

(The hook produced.)

RICHARD HALL *sworn.*

I am porter to Mr. Babb, I saw the warehouse safe on Saturday evening, I examined it between eight and nine o'clock, it was then safe; I saw some goods lie under the window, they were within two feet of the glass; I do not sleep in the house, there was a visible appearance of a decrease of goods.

JAMES GRIERSON *sworn.*

I am shopman to Mr. Babb, I sleep in the house, I was in the warehouse at four or five o'clock.

Pagett. I saw the warehouse a about five o'clock the morning of the robbery.

Grierson. I did not see the warehouse after five o'clock in the afternoon, previous to this robbery, there was a variety of goods near the window, the house was secure at ten o'clock; I was alarmed at three o'clock in the morning, I heard the clock strike, the watchman alarmed me, I came down stairs, I discovered the things moved, and the window broke, cut out with a knife; there were worsted stockings and silk breeches pieces, I cannot tell the quantity or number of pairs of stockings; I found the stick in the cellar, Paget found the hook, the constable has the stick.

— **PINNER** *sworn.*

I am constable of Aldgate ward; I have got twenty-eight pair of stockings, and two pieces of silk for waistcoating; on the 25th of June, after three in the morning, the prisoner at the bar was brought to the warehouse about a quarter past three, in Leadenhall-

hall-street, by two or three watchmen; I was constable of the night; in the bustle he threw down the green piece of silk on the ground, and I saw him very busy about his breeches, and I searched him, and found four pair of stockings, and a single stocking, in his breeches, and money; the other twenty-four pair were brought in by the watchmen. I produce the property.

THOMAS LOMAN *sworn.*

I am a watchman; on Saturday the 25th of June, ten minutes after three, I was going my round, and in Bowker's garden I saw the prisoner forty yards from the prosecutor's house; I saw him and another man concealing the property behind a stone; I said halloo, what are you at? they made no answer, but they immediately made their escape; they ran off, but did not get out of my sight; he got out of the garden, into Cree Church-lane, he was taken at the bottom of Cree Church-lane, I did not take him myself; as soon as I found he was secure, I called some of my brother watchmen; I went to Bowker's Gardens, and found the property, twenty-four pair of stockings, and a waistcoat piece; I left the things in care of the constable of the night: these goods are the same.

HARROLD *sworn.*

I am a watchman; I took the prisoner in Cree Church-lane: I am sure he is the man.

PRISONER'S DEFENCE.

Between three and four o'clock I was going to Crutched Friars, I picked up one pair of stockings, the watchman cried, stop thief; I saw a young man run past me in a brown coat, he turned down an alley; they searched me, and found the one pair on me.

Prosecutor. I swear to the waistcoat pieces; I think the four pair of stockings are mine, I do not like to swear to them, as other people may have the same kind of goods.

(For the prisoner.)

A WITNESS *sworn.*

The prisoner lodged with me two years, I have known him seven years, he is a shoemaker; I believe he is not a thief, I never heard any thing of the kind of him.

GUILTY, of stealing. (Aged 17.)

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

277. SAMUEL BISHOP was indicted for feloniously assaulting Benedict Debar, on the 13th of July, on the King's highway, and putting him in fear, and feloniously taking from his person, and against his will, three linen shirts, value 7s. two muslin neck handkerchiefs, value 2s. one pair of silk and cotton stockings, value 2s. three pair of cotton stockings, value 6s. one cotton gown, value 7s. one cotton apron, value 3s. one casimere waistcoat, value 1s. one cotton night-cap, value 1d. one dowlas towel, value 1d. one linen cloth, value 1d. the property of James Debar.

BENEDICT DEBAR *sworn.*

I live at No. 6, Clark's-court, Bishopsgate Within; on the 13th of July the bundle was taken from me between nine and ten at night; Samuel Bishop came up first, (there was two others) he said, let us ride, I was behind a gentleman's coach; then another came up and struck me on the fore-finger on my left hand; I took his stick from him; Bishop took my bundle and ran away; I ran after him I thought they were after no good; I run after him in Field-lane; I never lost sight of him till he was taken by M^r. Guffin.

JAMES

JAMES DEBAR *sworn.*

The last witness came to my house about nine o'clock, I gave him the bundle to take to his mother to get washed.

JAMES M'GUFFIN *sworn.*

I am a foldier; the child cried stop thief, I called to him, he dropped the bundle; I took him to the watch-house, with many of the neighbours.

THOMAS LAYTON *sworn.*

I am a warder of St. Andrew's, Holborn, I was setting the patrol; I searched the prisoner, the bundle was brought, which I gave to the officer of the night, Mr. Twitchell.

JAMES TWITCHELL *sworn.*

I got this bundle at the watch-house.

Benedict Debar depotes to its being the same bundle.

James Debar depotes to the clothes.

PRISONER'S DEFENCE.

I heard the cry of stop thief, I was coming down Holborn, I run, and in running along I picked up this piece of new cloth, which the constable produces.

GUILTY,

Of stealing the goods, but not violently from the person.

Transported for seven years.

Tried by the London Jury before

Mr. RECORDER.

278. **WILLIAM HUNT, DANIEL RANGO, and JOHN FINCH** were indicted for feloniously assaulting Isaac Gillett, on the King's highway, on the 20th of June last, putting him in fear, and feloniously taking from his person, and against his will, one leather pocket-book, value 3s. his property.

NUMB. VI. PART I.

(The witnesses examined separate.)

ISAAC GILLETT *sworn.*

I was going down Newton's-street, the 20th of June, about half past six in the evening, I saw a friend sitting on the wheel of a coach; I told him I wanted to speak to him; he bid me stop, there was a fight; I foolishly did so; I stopped, and three or four of them came and hustled me, and Hunt took my pocket-book; they fastened me so, I could not prevent them, though I saw them do it; I prevented them taking my watch; as soon as ever I got at liberty, I went and seized Hunt, and kept him a long while; at last there was a great mob, but they got me down and broke my leg; they got him away from me; I only know Hunt, I do not know the other two.

Mr. Knowlys, Prisoner Hunt's Counsel.

The person that you suppose to be Hunt, you did not see for a fortnight afterwards? — I never saw him that I know, but I am sure he is the man, he is so conspicuous.

ROBERT JENNINGS *sworn.*

On the 20th of June last, about six, there was a fight; in the mean time Mr. Gillett came up, a gentleman that I do work for, he touched me on the leg; says he, you had better be drinking half a pint of something with me; says I, yes, but let us see the fight, for it is a very funny one; so he did, and I saw several surround him; Rango stood alongside on one side, and a tall man in blue on the other side; I saw John Hunt pick his pocket of the pocket-book, and I saw him give it into the hand of the tall man in blue; I immediately caught hold of Rango, and I am very sure I saw the tall man in blue give the property into Rango's hands. I immediately held the man in blue for twenty minutes, as Rango and others were beating me over the head; I was beat in a shocking manner; he told me in the mean time to search the other man; I saw the book in Rango's hands; says I, you are the villain to be searched, and d—n you, give me the book again; that was what I said, I am sure I saw the book

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in Rango's hands, as sure as I see you now. Rango d—n'd me for a b—r, and swore he would do for me, and he took up a stone and hit me over the neck.

Mr. Garrow, Prisoner Rango's Counsel.
All this violence was after the prosecutor had lost his book?—Yes.

WILLIAM MONEY *sworn.*

I was sitting on a coach-wheel at the time of the fight, and I saw Hunt pick the other man's pocket; I called out, says I, that man has robbed you Gillett, get hold of him; and some of the mob got some sticks, they beat Mr. Jennings most cruelly, about the back part of the head.

Who did you see getting round Gillett, when he lost his pocket-book?—Daniel Rango, he hustled him up while Hunt picked his pocket of his pocket-book. Rango was not taken till a fortnight afterwards.

THOMAS ATKINSON *sworn.*

I was present at the time of a fight in the street, close by my master's house, I got on the wheel of a carriage, and I saw Hunt take a pocket-book from Mr. Gillett's pocket, and give it the person that Jennings laid hold of, and several then came and beat him most shockingly, and knocked him down; at this time Gillett laid hold of Hunt, and kept him a quarter of an hour; they knocked Gillett down, they directly went and rescued this Hunt away from Gillett; I was looking at the middle man, I think it was that Finch; I saw him beat Jennings, once or twice on the head; I saw Finch, and several that are not in custody yet, hustling Gillett before ever the pocket-book was taken away; I am sure I saw Finch doing that; and as to Rango, I cannot say I saw him till after the pocket-book was taken.

Mr. Garrow. You was very near Mr. Jennings at the time the pocket-book was taken?—I was.

STEPHEN GEE *sworn.*

I was coming by about six at night, go-

ing to my work, and I saw a parcel of people at a fight; I stood up on the back wheel of a carriage to see the fight, and in a little while, I saw William Money fingering out, that man has picked your pocket; I saw Jennings lay hold of another person, not in custody; and I saw Rango come and hit Jennings a dreadful blow on the back part of his head; I observed Hunt and Rango: I saw nothing till after the pocket-book was taken away.

WILLIAM ROBINSON *sworn.*

Mr. Finch struck Jennings over the head with a stick, once after the pocket-book was taken away; I was at work when it was taken away.

JOHN SPENCER *sworn.*

I was in the street at the time, and I saw that gentleman laid hold of, and I saw the gentleman trying to take him to the coach.

JAMES ARCHIBALD *sworn.*

I went to see this fight, Mr. Money called out, that is the man that has picked your pocket; Mr. Gillett seized him, and I assisted him till he was rescued; he struck me several blows.

ROBERT PULLEN *sworn.*

On Monday, the 20th of June, I was standing near my own door, there were two men fighting, I heard a cry of pick-pocket; I saw Mr. Gillett have hold of that tall man (Hunt) and another man was beating Mr. Gillett; I immediately went to his assistance, and I collared him with Mr. Gillett, and immediately the prisoner struck me; several more came up armed with sticks; I let go his collar at the instant Mr. Gillett was knocked down; I did not see who it was, but I am positive I saw Hunt strike Gillett.

JAMES HOLLIS *sworn.*

I saw Joseph Hunt strike Mr. Gillett, he got released very soon, I saw nothing more, I only saw Hunt strike him.

ELIZA-

ELIZABETH MACKELLY *sworn.*

Hunt and Rango I saw Mr. Gillett take out of the mob.

ELEANOR COCKAYNE *sworn.*

Mr. Finch struck Mr. Jennings once or twice, on the 20th of June; it was after Gillett and Jennings had hold of Hunt; they were obliged to let him go.

RICHARD BUNNEY *sworn.*

I am constable in the parish of St. George's Bloomsbury; I was sent for to apprehend the prisoner; I took Finch and Rango, and on searching them, I found these keys on Rango; that is all I found then; I know nothing of this transaction; on the 5th of July following I apprehended Joseph Hunt, and I took him.

Mr. Garrow. Rango was examined two or three times before Hunt was taken?—Yes.

He was committed for a robbery?—Yes.—Yes.

Did you hear any thing at all of Rango's having any thing to do with a robbery, till after the 5th of July?—Yes, before that I heard.

JOSEPH JACKSON *sworn.*

I was with Mr. Jennings at the apprehending that gentleman there, Joseph Hunt, he told me if I went for him by the name of Riley, I should find him out by that name; I took him.

JAMES MACMANUS *sworn.*

I went to apprehend some men in Parker's-lane, I went to a public-house along with Jennings, and another officer or two, and Jennings pointed out two men in a public-house in Cross-lane, that was Finch and Rango; I saw Bunney the constable search Rango, and find some pick-lock keys.

JOHN BEAMISH *sworn.*

I only went with Jennings to apprehend the prisoners Finch and Rango.

PRISONER JOSEPH HUNT's
DEFENCE.

I never was near the place, I was at work the whole day; I was up at six in the morning, I never came out of the shop till eight at night. At night I went and took a walk in the fields, I went to Mr. Barker's, at Illington, and had a game at four corners.

PRISONER RANGO's DEFENCE.

I was elsewhere, I have witnesses to prove it. I did not know my trial would come on so soon.

PRISONER FINCH's DEFENCE.

I was not near the place.

The prisoner Hunt called four witnesses, who gave him a good character.

The prisoner Rango called two witnesses, one of whom gave him a good character.

JOSEPH HUNT,

DANIEL RANGO,

JOHN FINCH,

} **GUILTY, Death.**

Tried by the first Middlesex Jury before
Mr. Justice BULLER.

N.B. When sentence was passed the prisoner Hunt said, "Please you, my Lord, these two young men are both of them innocent, I was the man that took the pocket book, but I was in liquor."

279. **JOHN LOCK** was indicted for feloniously assaulting Ann Atkinson on the King's highway, on the 18th of July, putting her in fear, and feloniously taking from her person, and against her will, two guineas, ten halfpence, and two shillings in money, numbered, the monies of the said Ann.

ANN ATKINSON *sworn.*

What are you?—Some times I go out on

on the town, and nothing else; I live in Love-lane, Westminster; at half past one in the morning a man came up to me, his name is John Lock, they call him John Lock.

Who calls him so?—He called himself so before the Justice. I did not know him before that time; I never saw him before that; he came up to me in the street and insulted me, and I asked him what he wanted? He said he wanted nothing, and said, that he would have all that ever I had got.

Did he say nothing before that?—No, nothing at all, only he would have all I had got. I desired him to let me alone, and let me go home, he would not; he put his hands in my pockets, I made a noise, and he knocked me down, and took all I had for any thing I knew; I got up as soon as I could, and charged the watch with him.

What did he knock you down with, with his fist or his hand, not with any instrument?—No.

Did he get your money before he knocked you down, or afterwards?—Afterwards, while I was on the ground; he took two guineas, two shillings, and some halfpence; I cried out; nobody came to my assistance; I did not quit sight of him; I got up, and charged the watch with him, and he was taken to the watch-house, as high as I can guess it was near the watch-house.

What is the watchman's name?—I do not know.

Court.—Would you ask her any questions, prisoner?

Prisoner. Mrs. Atkinson, on Monday morning you came up to me at the corner of the Little Sanctuary, you came and took hold of my arm; did not you walk with me to the corner of Love-lane?—No; I never saw you in my life before you attacked me.

Prisoner. For shame, woman, consider what you are about here, I am standing for my life! My Lord, she took me to the narrow lane, very near over her shoes, at the back of the Plow, in Love-lane.—There we went together, she asked me if I

would go and lay with her; I told her no, I had a wife at home.

Prisoner's Counsel. About how long was the man with you?—About ten minutes.

What conversation passed between you?—No conversation passed at all, he came up, and said he would have all that ever I had; I was not willing to part with my money, and he knocked me down.

What did you say to him in these ten minutes while he was insulting you?—I said nothing at all, but called out.

Where did he hit you?—Over the breasts, a man is more powerful than a woman.

Did he appear to you to be in liquor?—He did not.

Was you in liquor yourself?—Yes, a little.

Have you ever had any conversation respecting the prisoner, in which you said you did not mean to hurt him?—No, I said nothing at all but that I would tell the truth.

You never acknowledged you was in liquor, and did not intend to prosecute him?

—No; the Constable has my money; he left me sixpence halfpenny.

How came you out so late at night?—I had been with my sister in Holborn at tea, and I got a little drop of liquor, I was in company besides.

What company was you in?—I was along with the man that I live with, he was drinking, and I was drinking with him.

Where was you drinking with him?—I cannot tell, somewhere in Holborn.

At how many houses?—At one or two, he would not come along, he would have more liquor; we fell out and parted, so I went one way and he went another, that made me have this misfortune.

When had you seen your money before you lost it?—I saw it in Holborn.

On what occasion did you look at it in Holborn?—I looked at the money I had got.

What made you look at it?—Because I insisted on having the money from the man I live with, I thought I could take better care of it.

What

What sort of man is he?—He lives in Westminster, his name is Young, I live in Westminster.

Did the man put his hand into your pocket?—Yes, he did.

ROBERT BLAND *sworn.*

I am the watchman, on the 18th of July I was on my beat, and I heard the cry of a woman, watch, watch, watch! I went round and met the prisoner and the woman, she said, this man has robbed me of two guineas; the man was walking a middling pace from her, not very fast; she ran after him, he knew me, he spoke to me, I stopped him; she came up, and would have made it up for the two guineas. He was searched, and two guineas, and two shillings, and five pennyworth of halfpence were found on him.

What did the prisoner say when she said he had taken two guineas from her?—He said he had not, he did not know where the two guineas were.

What were his words exactly?—He said he had not two guineas of her's.

These were his words?—Yes.

Did you hear a woman cry at all, before you saw the prisoner and this woman?—Yes, I heard her cry first of all, then I went towards her.

Prisoner's Counsel. How long did you hear her cry before you came up to her?—Not three minutes.

In what state was the man, did he appear to be in liquor?—He was a good deal in liquor.

How was the woman?—I believe she was so too.

You have known the man for some time?—I knew his father.

What was his character?—I cannot say.

Do you know any thing of a reward in this case?—A reward, no, I do not know any thing about it.

RICHARD DENINGTON *sworn.*

I am constable of the night, between one and two I heard a woman scream, I am one of the patrols, I did not go out of the watch-

NUMB. VI. PART I.

house; the prisoner and the woman were brought in; she said she had been robbed of two *spadey* guineas, that means the last new guineas, without any supporters. The prisoner said, he was sure she had not two guineas. Says I, my friend, it seems very odd; says he, she had no money at all. I searched her first, and found sixpence, and a halfpenny on her; and he would insist on my searching him, so I searched him. Says I, what money have you got? says he, I have a farthing. I found a good farthing upon him; he had a blue jacket on, I shook it; says I, what have you got here in the left hand pocket withinside? says he, it is some halfpence; then I put in my hand, and pulled out some halfpence, and all this quantity of money, and laid it down on the table; it was all loose, I spread it, and there were two guineas among it. The woman said, them are my two guineas. The man was frightened, and could not speak.

Prisoner's Counsel. Did the woman say any thing about being knocked down?—She said she had been pushed or shoved down.

Was there any marks of her having been knocked down about her?—I did not see any thing of it.

PRISONER'S DEFENCE.

As I was coming along on Monday morning, between twelve and one, I met this woman, she came up, and took hold of my arm; she desired me to go to such a place, and asked me several times to go home with her. I went with her into this Love-lane, and there she wanted me to lay with her. I asked her what I should give her, and she said a shilling; I gave her a shilling, while I was giving her that, she was rifling my pockets with her own hand; she shoved her hand and mine into her pocket; I got the money out of her hand, and I thought it was my own, and shoved it all into my pocket.

Constable. Here is the bad shilling, which he said he gave her; I found it in his own pocket.

E

Prisoner's

Prisoner's Counsel. Did the man and woman appear to be in liquor?—Yes.

The Jury withdrew for some time, and returned with a verdict,

GUILTY, Death. (Aged 37.)

Tried by the Second Middlesex Jury before Mr. Justice WILSON.

280. PIERRE, alias PETER AUGUSTINE, alias CHAMBLEY, alias CHAPMAN, alias DEVAL, was indicted for feloniously stealing, on the 31st of May, one brilliant diamond ring, set in gold, value 5l. one gold hoop-ring, value 10s. one silk purse, value 12d. seventy French gold coins, called double louis d'ors, value 140l. and 1500l. in money, the property of Jacques Alexander Delerade, in the dwelling house of Ann Smithers.

He was also indicted, in a second count, for feloniously stealing, on the same day, in the same dwelling-house, a bank note of the value of 100l. two bank notes of the value of 50l. each, three ditto, of the value of 30l. each, one ditto of the value of 40l. and one ditto of the value of 10l. and two Dover bank notes, value 5l. 5s. each, the same notes being the property of Jacques Alexander Delerade, and the money due thereon unpaid and unsatisfied, against the form of the statute, and against the King's peace.

The case opened by Mr. Garrow.

M. MAZZINGHI sworn an interpreter.

JACQUE ALEXANDER DELERADE sworn.

I became first acquainted with the prisoner at an inn, the sign of the Providence, the 12th of May. We came from Paris to London the 25th, at four o'clock, at Charing-cross, we dined together there, and he took me from there to a Mrs. Smithers, in

Downing-street; we continued there a week, we took the lodgings on a Wednesday, and the Tuesday following the robbery was committed; before the robbery I received a large sum of money from Mess. Minett's and Fector, in London; I always went to the Bank, to change the notes in gold, always by the advice of the prisoner; we went together besides to Mr. Hammersley's, we received the notes on Monday morning from Mess. Minett and Fector, and on the Tuesday following, went to get the money in cash from Mess. Hammersley; but as it had a month to run, I did not get but half, all in gold. I put all my money in a trunk at Mrs. Smithers's, my bank notes in my pocket-book in the trunk, on Tuesday the 31st of May.

Where did you spend the day?—On Tuesday I put the money in about eleven o'clock, and went out walking, and afterwards dined near the theatre, about half past four; then we went to the play, and almost immediately after we went in, the prisoner left me in the pit; he begged my pardon, and would be back immediately, and I never saw him till he was taken. I went home about eleven o'clock, conducted by a young man, and found my trunk locked with a key; I opened the trunk in the presence of three people, and found every thing gone. I had the whole amount of the remittance that I brought from abroad, the prisoner counted it for me, I do not know myself. I lost a diamond ring, seventy double louis d'ors, they were all in the trunk; I had part of it in a little bag by itself.

Mr. Fielding, Prisoner's Counsel. When you was in Paris together, did not you live as friends?—We did; he told me he was a Scotchman, and would interpret for me.

Then you came from Paris together as friends?—Yes.

When you arrived in London, you looked upon him as your friend?—On my arrival in London he offered me his lodgings, for he said where he lodged there was always a spare bed.

When you was at the lodgings at Mrs. Smithers's, there you always treated him

as your friend, for he went as your son?—
We always eat together.

Do not you know that the people of the lodgings, Mrs. Smithers, and every body there, looked upon you as related?—I never saw the mistress till Monday.

When you went to Minett and Fector's did you carry a bill there?—I carried a draft.

Did you see any body that spoke French there?—Nobody spoke French there.

Then all the business that was done at Minett and Fector's, was done by the prisoner for you?—It was.

When the money was received at Minett and Fector's, did not the prisoner receive the money into his custody?—Minett and Fector gave him some Bank of England notes, and I went with the prisoner to get them changed.

Were they given to the prisoner?—They were, and then we went to the banker's.

Did he change them at the Bank?—He did.

Whom did you trust to receive and count the notes?—The prisoner at the bar.

Did he take the money, or you?—I gave it him in a little bag.

Court. How came you to go to the Bank?—To change the bank-notes into money, because the next morning the prisoner was to put me in a situation with the cash to advantage, and he said it was easier to place out cash than bank-notes.

Mr. Fielding. Then he changed those bank-notes into gold for the purpose of placing out your money more easily?—I got all into gold for that purpose.

Did the prisoner, or did he not, keep the custody of the money, after he had got it at the bank?—I put it into my own trunk before the prisoner.

When you went to Mr. Hammersley's, the business there was conducted by the prisoner the same as on the day before?—It was.

Was it taken by you into your possession?—It was.

When you were on the road together to

England, had you any conversation together about merchandise?—No, never had.

When you were at your lodgings, did you trust entirely to that man?—I did, he gave me to understand he was a captain of a vessel.

Court. What is your way of life in your own country?—I am a French gentleman, I fell a victim to the revolution, I never was in trade.

Mr. Fielding. How many apartments had you and the prisoner at Mrs. Smithers's?—I occupied an apartment of his, he having made me an offer of a bed; there were two apartments, one where the prisoner slept, and one where I slept.

In fact then it was the prisoner's lodgings, and you had an apartment through the prisoner's courtesy; which room was it you left your trunk in?—In the room where I slept.

When you came home, after having been at the play, you found your trunk locked?—Yes.

Had this trunk ever been used by him and you in common, to put the things in?—I locked it for the greater caution, to preserve my cash.

Mr. Garrow. Where had the prisoner proposed to spend the evening after the play was over?—He said he was going to sup with Mr. Rose, Mr. Pitt's Secretary.

For what end was he to sup there?—He was to obtain his protection for me, and to employ my money to advantage.

What do you mean by employing your money to advantage. He said Mr. Rose had been with Mr. Pitt for thirty years, and he would put me in a way how to employ this cash.

MARGARET CUMMINS *sworn.*

I am servant to Mrs. Ann Smithers, she lives in Downing-street, Westminster; Mr. Delarade and the prisoner came to her house on the 25th of May.

Who took the lodgings?—The prisoner.

Had he ever lodged there before?—No, never.

Who

Who did he describe he took it for?—He said he took it for his father and himself.

How soon after he had taken it did Mr. Delerade come there?—In the course of half an hour, in an hackney-coach.

What did he bring with him?—They brought two trunks and a portmanteau.

Which of the apartments were these trunks put into?—The largest trunk and portmanteau were put into Mr. Delerade's room.

Do you recollect, on Tuesday, what time they went out?—I do.

Did they return together?—No; only one of them returned in the evening, which was the prisoner; he came there about half an hour or three quarters past seven.

What passed between you and him that evening?—When he came, he asked me to fetch him two sheets of paper, which I did, and carried them up to him, and delivered them to him with the change of the shilling he gave me to buy them; about ten minutes after, he paid me the lodging, two guineas for the week he had just been there, and half-a-guinea for myself, and desired me to get a porter; I told him I did not know readily where to get one, but I would get him a coach; I got him a coach, and he went away, and carried the trunk which was in his room with him.

What was to become of his father, did he tell you?—He told me that his father would be home in the evening, and that he should return on the Saturday for the farthest; I asked him particularly how long he should stay; he said he could not leave his father any longer than Saturday, and therefore at the farthest he should return then.

How soon after that did Mr. Delerade return?—About eleven in the evening.

How soon after that did you see the prisoner?—Not till after he was brought up from Bristol.

I believe you received every thing for what was wanted of the prisoner?—I received every thing from the prisoner; I never saw a halfpennyworth of the prosecutor's property.

Mr. Fielding. You seemed to have been with the prisoner all the time that evening almost, you only left him while you went out for two sheets of paper?—Yes, I went out for the coach besides.

Where was he all this time?—In the dining-room.

With his trunk?—Yes.

And he paid you for the lodging?—Yes, he did.

And told you he would return again on Saturday?—Yes.

Therefore there could not be many minutes that he could be in this room by himself?—The whole from his coming in to his going out was not above a quarter of an hour in all.

And then he went away in that coach?—He did.

Then whether he had got any thing of the prosecutor's you do not know of a certainty?—That is all I saw.

Mr. Garrow. From the time that Mr. Delerade went out, did any body go in, that could have taken Mr. Delerade's property, besides the prisoner?—Nobody went in but himself.

Mr. Fielding. He told you Mr. Delerade would return that evening?—He did; and he told me there would be an interpreter come with his father, that would tell us what he would want, and what he would have done; but that the interpreter was not to stay in the house.

You understood that they were father and son all the time?—I did.

ANN SMITHERS *sworn.*

I keep the house where the prisoner and prosecutor lodged.

Mr. Fielding. You, I suppose, then, bargained for the lodgings?—No; my maid did it: I was out of town when they were taken.

Court. Had you much conversation with the prosecutor?—Never spake to him but once.

SAMUEL DAVIS *sworn.*

I am an officer of the sheriff, residing at Bristol: I took the prisoner on the 4th of June last.

On

On his being apprehended, what conversation had you?—I went up to him with a brother officer; I told him he must go along with us; he did not make any reply to that, but said, call a coach: I said there was no stand near, but the place we were going to was as near as a coach-stand: we went to the council-house, and the mayor soon came, and he was examined.

I believe he refused telling his name?—He said he never slept in Bristol; but afterwards I found that was not true; and I went to a place where he had lodged, and there being some drawers in the room locked, I applied to him for a key; he said, at first, he had no key; at last he gave it me, and I opened the drawers, and found nine hundred guineas, now deposited in the Bank, and some double louis-d'ors (I cannot positively say whether there were twenty-five or fifty-five now), and twenty-nine single louis-d'ors: here is a pocket-book (*produced*) in which I found eight Bank-notes, including two Dover-bank bills; a purse, containing twenty-three guineas and a half (*produced*); here is a false watch (*produced*); here are two rings (*produced*), the one is an hair-worked ring, and the other is a diamond ring; a pair of knee-buckles, and a pair of shoe-buckles (*produced*); and I found this watch on his person (*produced*). *What kind of a coat had he on?*—The same as now; only there was a Prince of Wales's feather painted on the buttons, which are now rubbed off.

WILLIAM BURKITT *sworn*.
I am servant to Mr. Parker, pawnbroker, Princes-street, Soho; I sold this watch (*the watch found on his person*) to the prisoner at the bar, on Thursday, May the 31st, about eight o'clock in the evening; he gave me sixteen guineas for it; he tendered me an hundred pound Bank-note; I gave him the change; the note was dated the 5th of May, 1791, No. 1531. I think I gave him two ten-pound notes, one twenty, and the rest in cash; I do not know the number of either of them.

NUMB. VI. PART I.

SAMUEL TOMKINS *sworn*.
I am a collector, in the house of Messrs. Hammersleys; I did not make the payment, but I was present at the time; Mr. Delerade came three or four days before that, accompanied by the prisoner at the bar, to leave a bill for acceptance, with a letter introducing himself to our house; after four days he came again, accompanied by the same man, the prisoner; I had procured, by this time, the bill to be accepted; it was to the amount of eleven hundred and eighty odd pounds; he intimated a desire to receive a part; I asked how much; after some conversation between the prisoner at the bar and Mr. Delerade, he requested half; I then wrote out a draught for 500l. and Mr. Delerade wished to have half in cash, and the rest in notes.

HESLOP *sworn*.
I made the payment to Mr. Delerade; I have the number of the notes in my book; I made the entry myself; No. 586, dated 25th of November, for 100l. (*not found*); No. 3751, dated 6th of November, 30l. (*not found at Bristol*); No. 6354, dated 7th September, 30l. (*ditto*); No. 8612, dated 30th October, 30l. (*ditto*); No. 7623, dated 16th of May, value 40l. (*not found*); No. 1531, dated 5th of May, value 100l. (*changed at the pawnbroker's*); No. 1855, dated 20th January, value 50l. (*found at Bristol*); No. 5234, dated the 6th of May, value 50l. (*ditto*); and 210l. in money.

SAMUEL TOMKINS *sworn*.
I am clerk to Messrs. Willis and Co. bankers to the house of Messrs. Minet and Fector.
Be so good as to say whether you made any payments on the 30th of May?—We paid 791. 3s. 4d. to Messrs. Minet and Fector on that day, 400l. in Bank-notes, and 391. 3s. 4d. in money; the prisoner was the man that spoke to me, and took the money and counted it.
He brought a draft from Minet and Fector, Austin-frères?—Yes, he did.

Mr. Garraw to Mr. Delerade. Where did you get the draft of Minet and Fector?—I got it of Mr. Bergue, banker, at Paris.

Was it paid at the house of Messrs. Minet and Fector, or did they give you an order on another house?—They gave me an order on their bankers.

JAMES DAVIS *sworn.*

I was present at this confession being made by the prisoner; it was read to him before he signed it, and afterwards.

Mr. Justice Buller. Were there any promises or threats made to him?—Not to my knowledge; I am pretty sure there were not.

The Examination of Pierre Augustine, dealer in perfumery, taken the 5th of May, 1791, before John Harris, Esq.

The examinant, who is committed on a strong suspicion of felony, says, the pocket-book now produced is the property of, and contains several receipts and bills of parcels bought by, this examinant, when in trade in Compton-street, London; says, the forty-nine papers are the only papers belonging to the examinant contained in the said pocket-book, and that there are no other papers whatever in the said pocket-book; says, that the three bags of money are this examinant's property; that he has counted the said money in Mr. Mayor's presence, and that one of the said bags contains, in guineas and half-guineas, six hundred guineas; another of the said bags contains three hundred guineas; another of the said bags contains fifty-five double louis-d'ors and fifty-four single louis-d'ors; and this examinant saith, that he left Calais three weeks ago, and arrived at Dover the night of the same day, slept at the ship at Dover that night, and proceeded on to London the next morning; that he slept at Rochester on Tuesday night, and went to London next morning; saith, that Mons. Delerade came with this examinant, and lodged at No. 8, Downing-street, Westminster; saith, that at six he left the said lodging, and went to the play-house; that he went back to the house, and staid

about an hour, and again returned to Bristol, and took lodgings near College-green, which were shown him by a hair-dresser; he remained there till he was taken into custody by two men.

The Mark + of

PIERRE AUGUSTINE.

Witness present at the signing and acknowledgement,

JAMES DAVIS, Constable.

(*Another Examination read.*)

Middlesex; } The Examination of Peter
to wit. } Augustine, merchant, taken
before me, says, That about a month ago he was acquainted with the gentleman now present, and about a week after they set off for London, Mr. Delerade saying he was afraid of living at Paris any longer; that he took the first and second floor at the house of Mrs. Smithers, in Downing-street, Westminster; they carried their trunks there that night, and in a day or two afterwards he went with Mr. Delerade to the Bank of England; where he received a considerable sum of money, and afterwards a further sum, which he carried to his lodgings; that they went to the play; and this examinant went to Mr. Bayley, a dealer in pictures, in Piccadilly, and from thence to the lodging in Downing-street; that the maid-servant let him in; he sent her for some writing-paper, and sent her for a hackney-coach; he changed a Bank-note for ninety guineas, which he received from Mr. Delerade; that all the articles are his own property, except the two rings, Bank bills, and bills of exchange, and does not know how they happened to be in the drawer with his things; that he went to Bristol to buy a turtle.

Court to Mrs. Smithers. Did you ever know the prisoner before he came to lodge at your house?—I never saw him before.

PRISONER'S DEFENCE.

I cannot speak English enough to give any answer whether I could do it or not; I have only to say, I know nothing of the robbery

which

which has been brought to this bar, excepting the things that have been found belonging to the prosecutor were given to me as a partnership by the prosecutor; the prosecutor, in the presence of Mrs. Smithers, declared he had given me these things, and in the presence of another young fellow.

Court. Would you chuse to ask that question of Mrs. Smithers?—*Prisoner.* If you please.—*Mrs. Smithers.* I cannot tax my memory with any such thing.

GEORGE HUMPHREYS *sworn.*

I know the young man at the bar; I have seen him once or twice at the Opera-house.

Do you know Monf. Delerade?—Yes; I have seen him only once.

When was that?—It was one night I was by Charing-cross; and I met the gentleman along with a friend of mine; I went along with him to this gentleman's house.

Where was that?—It was in London.

But where was the house you went to with this gentleman and the prisoner?—The street where Mr. Pitt lived, Downing-street; we staid there near an hour; the gentleman was not at home, but I talked French with the lady; I sat down on the chair, and the gentleman came to me, and told me he was a friend to this young man; and he was a very good friend to him; and he went with him to the coffee-house, and he paid for every thing for this young man, and he would trust him with every thing, and was more master than him, because he had the money in his pocket; and particularly he said he did give him two rings to be cleaned in the morning.

What day was this?—I cannot tell; it was the same day in the night when this gentleman came to London; the young man spoke first to me; he said he gave him two rings to clean, and he had every thing in his hand; I asked him what for? he said, because this young man was a man of property; he knew him in France; and every where he was a very good friend.

Mr. Garrow. Pray, Mr. Humphreys, what are you?—I am a perfumer.

Where?—I work at home.

Where is that?—I am a traveller, a valet.

Where is your home, good fir?—In King-street, Soho.

How long have you known this gentleman at the bar?—I saw him twice at the Opera-house, in the Haymarket.

How long ago?—Two or three months ago; I do not recollect very well.

Try and recollect; can you remember what month it was in?—I cannot.

What office had this gentleman at the Haymarket?—He was lamplighter there.

Did you ever hear he was a merchant?—No.

Did you ever hear that he dealt in turtle, or perfumery?—No.

Was not you a good deal surpris'd to hear the gentleman say he would trust him with every thing?—I asked him what for he trusted him; and he says, he was a man of property.

Was not you a good deal surpris'd?—Me! no, Sir.

Did not you know that he was not worth a guinea?—He was along with Mr. Blanchard; he is a lamplighter at the Pantheon and the Haymarket.

So, then, he was servant to the lamplighter; have you the least idea that he was either to dance or sing?—I cannot tell.

Upon your oath, do not you know he was a lamplighter there; upon your oath, did you never learn from him that he was a lamplighter at the Pantheon?—No, never.

How did you suppose he supported himself?—He was a merchant; I do not know.

Who was present at the time this gentleman told you he was a merchant, and he trusted him?—Nobody but the gentleman, his wife, and me.

Did the gentleman tell you in English?—In French.

Did the prisoner talk English or French?—Always in French.

Mr. Fielding. Is Blanchard the master, and is the business committed to him?

Yes, he is the master, and does every thing.

Then

Then he was not in any low situation at the Opera-house?—No, Sir.

Mr. Garrow. What situation was he in?—I cannot tell.

The prisoner called two other witnesses, who gave him a good character.

Mr. Justice Buller. Gentlemen of the Jury, the prosecutor resided at Paris, and has been one of the unfortunate victims of the ravages which have prevailed in that country, and therefore wishing to find an asylum in a country where true liberty and freedom was to be found, regulated by a wife and equal system of laws, without which neither freedom nor liberty can exist, he got acquainted with this prisoner, &c. Here the learned Judge summed up the case, and the Jury instantly found a verdict

GUILTY, Death.

Tried by the first Middlesex Jury before

Mr. Justice BULLER.

281. **BRIDGET ANSTED** was indicted for feloniously and burglariously breaking and entering the dwelling-house of Mary Flumstead, widow, between the hours of five and eleven in the forenoon, on the 9th of July, James Paterfon and Elizabeth his wife, then and there being in the house, and feloniously stealing therein one linen gown body, value 2s. one linen gown skirt, value 10s. one pair of shoes, value 12d. one woollen mattrafs, value 8s. one flat iron, value 6d. and one mullin half handkerchief, value 1s. the goods and chattels of Mary Ann Annam.

MARY ANN ANNAM *sworn.*

I live in Charles-court, Strand, I live with Mary Flumstead; on the 9th of July I lost out of that house the things in the indictment, one linen gown body, &c. The gown cost me 15s. and was not made up. I am sure it was between five and eleven, I was out with my milk; my daughter went home first, and came and informed

me what was the matter. I suspected this woman, because she used to lurk about. When I came home I met this woman at the door; I went to Bow-street, and they advised me first to go to the Pawnbrokers, and make a search, I did so, but did not find any thing; I came home again, and went up stairs to ask the name of this woman; she came down, and said her name was Bridget Everett. She moved her lodgings the same day I was robbed, and on Monday morning I went to her apartments in Portpool-lane, Gray's Inn Lane, and I found the things in her apartment. The prisoner was in bed; I found one cap, the cap she had on her head, which was mine, and I took the cap as my own; with that Paterfon, who was with me, told me if I was sure, to go and get a Constable, and charge him with her; I did, and went up into her room again, and then I saw the body of the gown on the chair in her room, and there was two duplicates taken from the chinks of the boards; but I could not observe particularly from whence they were taken.

In what situation did you leave the house when you went out?—It was padlocked when I went out, and when I came back the door was wide open, and I found the padlock broke.

Who lives there besides you?—My landlady, Mrs. Flumsted, and Paterfon and his wife.

ELIZABETH ANNAM *sworn.*

I went out with my mother, and returned about eleven, and when I came down stairs I saw the door was on a jar, and was frightened, and I saw the gown gone and the mattrafs, and my mother's shoes. I know no more than what my mother has said.

JAMES PATERSON *sworn.*

I and my wife was at home on the 9th of July, I went out about ten minutes before seven, and returned at seven, and then staid till after eleven o'clock. When I went

out

out first in the morning I met the prisoner and her mother in New Round-court, in the Strand; when I was at dinner, Mrs. Annam came to me, and asked me if I knew the girl's name that lived up above me? I told her I did not. The prisoner, hearing this, come out of her room, and said, my name is Bridget Everett, and you may find me here to-day, but afterwards you may find me at No. 21, Gray's-inn-lane. I went to No. 21, Gray's-inn-lane, and I found the name Everett there, a midwife, not the prisoner; I made all the search I possibly could, and at last I went to a green-stall in Portpool-lane, and asked if such a person was there? They said there was, she came there on Thursday. I went up stairs and knocked at the door, and she opened it, and Mrs. Annam being with me, came in, and she saw the cap was hers; she went out and got a constable, and when he came she said she would give every thing up if there was no more said about it. She produced the gown, and there was two duplicates behind the mantle-piece, one of which led to the shoes, and they were taken out of pawn; nothing else was found.

GEORGE WINCH *sworn*.

I produce the things, a body of the gown from the prisoner's apartment, a cap and a pair of shoes found at the pawnbroker's, and an half handkerchief, and a piece of the staple broke out.

SARAH WARNE *sworn*.

I am a servant to a pawnbroker; I cannot swear to the person who pawned these things, the half handkerchief and the shoes.

Prisoner. This man, Paterfon, that hath sworn against me, often came up to my mother's apartments to get me to wash his shirt, and got me to pawn a many things, but never brought me into this hobble before.

Court to Paterfon. Did you use to carry her up things to pawn?—I never carried her up any thing to pawn.

NUMB. VI. PART I.

Prisoner. I would wish you to examine Paterfon over again, when he gave me these things.

Court to Paterfon. Is it true the evidence you have given?—It is true, my Lord.

GUILTY, of stealing only.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

282. JOHN RICHEY was indicted for feloniously stealing, on the 8th of July, a pair of kerseymere breeches, value 16s. the goods of Outry Motes.

OUTRY MOTES *sworn*.

I lost a pair of kerseymere breeches on Friday, the 8th day of July, from my house, Rose-lane, Spitalfields; I had seen them that evening before at six, and they were gone at ten; they were in the shop, made for sale, hanging in the shop. John Richey worked for me; I said nothing that night, but the next morning, suspecting Richey, I desired him to bring them down; he said he would go and bring them, he did not bring them down, and consequently I sent for Charles Dorman, who took him into custody. Before the constable came he came down; he said he had made away with them, he had pawned them.

Before he said this, did you make him any promise or threaten him?—I did not in any shape; the constable came, and he produced the duplicate.

WILLIAM WINDSOR *sworn*.

I took in this pair of breeches to pawn on Friday the 8th of July, about a quarter before nine; I live with Mr. Windsor, No. 130, Minories; I took them in of the prisoner at the bar.

(Produced and deposited to.)

The prosecutor said before the Lord Mayor, if I would give him the breeches

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and the prisoner would give him 20s. he would make the matter up; but the prisoner at the bar, being a very poor man, could not possibly raise it.

PRISONER'S DEFENCE.

I lodged in this gentleman's house; I rented a room of him, and worked in my room; he gave me this pair of breeches to make, he gave me a matter of four or five pounds worth to work in my own room; being in great distress, I could not support my family without subsistence; I owed a little money where I used to deal, and they would not let me have any more till I could pay it; I took the liberty of pawning these breeches till I settled with my master on Saturday night, when I intended to bring back the breeches again. I am a stranger here, lately discharged from the 48th regiment, come from India; I am a poor distressed man.

Jury to Prosecutor. We would wish to know whether they were taken out of the room or out of the shop?—Out of the shop.

Court. Had the prisoner at the bar any room to work in?—No, he had only a bed.

Prisoner. The breeches had been in my room six or seven days, hanging across my line; I took it as a choice to work in my own room, because it was lighter.

GUILTY. (Aged 36.)

(Recommended to mercy by the Jury.)

Confined six months in the House of Correction.

[*Tried by the first Middlesex Jury before Mr. Justice WILSON.*]

283. WILLIAM JOHNSON was indicted for feloniously stealing, on the 16th of July, three ounces and a quarter of silver, called whip tops, value 12s. the goods of George Barton.

GEORGE BARTON *sworn.*

I live in Brownlow-street, Holborn; I am a silversmith. On the 16th of July, Monday, between the hours of nine and ten, I lost two ounces and a quarter of whip tops that day William Johnson had taken from me. I went to Mr. Heather, and, in consequence of being sent for, saw these goods, and am certain they are my property; no one else in London uses these kind of articles. The prisoner was then taken into custody by Mr. Heather.

Court. Did the prisoner work for you before?—He did; he was 'prentice with me, but was a very bad one.

GUILTY. (Aged 23.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

284. HANNAH MACARTHY was indicted for feloniously stealing, on the 14th of July, two dimity petticoats, value 10s. and a pair of cotton stockings, value 16d. the goods and chattels of Edward Collingbridge.

COLLINGBRIDGE *sworn.*

I lost two dimity petticoats and a pair of cotton stockings out of a garden just by the house where I live, at Highgate; they had been put in about an hour before I missed them; I did not see them taken away, but I saw a person going out of the garden, and sent Thomas Robinson after her, and they brought her back; I had seen the person sitting in the road for two hours before, near the garden; the things were hung up on a line. I missed the things, and saw her going, in a quarter of an hour she was brought back, and taken to the constable, with the property upon her.

THOMAS ROBINSON *sworn.*

Last Thursday week, about one or two o'clock, I was called to run after a woman who

who had robbed Mrs. Collingbridge; I found she was stopped, before I came up, by Mr. Proffer; I took her to the constable, and he took from her the things; she had the things wrapped up in a blue cloak before her.

WILLIAM PROSSER *sworn.*

I was crossing the road and saw Mr. Robinson running, and heard him say, stop the woman, and I turned her cloak on one side, and saw the things; I took the things from her, and gave her, when Mr. Robinson came up, into his custody.

CHARLES H—— *sworn.*

I am the constable; the prisoner, and two petticoats, and a pair of stockings, were delivered to me on the 14th of July, and have been in my custody ever since.

(Produced and deposed to.)

PRISONER'S DEFENCE.

As I was going along tired and hungry, looking for my husband, who left me ten weeks ago, being tired and hungry much, I could not get on, and one of these men came up and asked me what I sat there for; I told him; he told me he would give me some victuals, and he came back to take me to his own house, and put an handkerchief round my neck to hang me; and he did his best to get the better of me; and he said, if I would not let him do it, he would put me into a tub of water and drown me, and so I bawled out, and he gave me these things into my apron; and those people ran after me.

GUILTY. (Aged 26.)

Fined 1s. and imprisoned twelve months.

Tried by the first Middlesex Jury before Mr. Justice WILSON.

285. **WILLIAM MATTHEWS** was indicted for feloniously stealing, on the 17th of June, a piece of leather, called a knee-

flap of a chaise, value 21s. the goods of Benjamin Brookman, and Samuel Warren.

BENJAMIN BROOKMAN *sworn.*

I am a victualler; the chaise belonged to me and Samuel Warren; I lost the knee-flap on Friday the 17th of July; it was safe at nine o'clock that night; I saw it gone on Saturday morning. I got it from Mr. Simmons.

GILES SIMMONS *sworn.*

I have got a knee-flap, I bought it of the prisoner (produced) on the 18th of June; I am sure he is the man.

(Deposed to.)

Fury. What did you give for it?—Eighteen-pence.

PRISONER'S DEFENCE.

Going home I met a lad named Thomas Lack, with the flap under his arm, and he asked me whether I could sell it for him; I did not know it was stole.

A CONSTABLE *sworn.*

I am a constable; I apprehended this man at Bow-fair; I called a coach, and told him to drive to Clerkenwell; he asked what he was to go there for; I told him; then he said, Oh, that bloody thief Thomas Lack had turned King's evidence.

GUILTY.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

286. **WILLIAM FREEMAN** was indicted for feloniously stealing, on the 20th of June, two wooden casks with iron hoops, called wine-pipes, value 16s. and one wooden cask with iron hoops, called a brandy puncheon, value 5s. the goods of William Wootton.

WIL-

WILLIAM WOOTTON *sworn.*

I live at the cyder cellars, Covent Garden, I lost two wide-pipes and a brandy puncheon, two were taken from the door of the ware-house, Adelphi-stairs, and the other a little from the door, they had carts in the Strand, I had information, I followed the cart to Great Peter-street, Westminster, I went to get a constable; before I had got back again, they had pulled out the head of one of the wine-pipes, and the brandy-pipe, and the staves lay down. I saw the prisoner assist to get the cask out of the cart at the door, and when I came back with the constable, the prisoner was at work on the cask. I took him; I am sure they were my casks.

WILLIAM HUMBLE *sworn.*

I am a servant to Mr. Potts, I saw the prisoner and another man take the pipes away, they rolled them up, and I saw the last cask put into the cart, and two were in before, and they went to Peter-street, Westminster, to the prisoner's house; this was between five and six in the evening.

PRISONER'S DEFENCE.

On the 19th of June, it was Saturday, I stood at my own shop-door, a gentleman came up to me and asked me if I was a cooper; I said yes; he asked me if I could pitch three water-tubs for him; I said yes: he said if I would go with him, he would shew me where they were, and I went with him to the place; and he went under the Adelphi, and marked them with a piece of chalk, and asked me if I could fetch them away, and he would satisfy me; I went for them on Monday, and fetched them away; and when I came up in the Strand, I saw a cart, and I hired it for a shilling, and got them home, and this gentleman came and took me up about eleven or twelve in the same day; after I was taken up the gentleman came to my shop, and hearing I was taken up he went away as fast as he could; I have never heard of him since.

JOHN PURBY *sworn.*

The prisoner hired me to bring the casks,

we went down three separate times for them, and put them into a cart.

GUILTY. (Aged 22.)

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

287. **WILLIAM GRAY** was indicted for feloniously stealing, on the 24th of June, three copper sauce-pans, value 5s. the goods of George Keene.

GEORGE KEENE *sworn.*

I live at the Wheat Sheaf, Waltham-green; on the 24th of June I lost three sauce-pans; they were taken out of the house.

SARAH KEENE *sworn.*

I am wife of George Keene; I missed the sauce-pans on the 24th, between twelve and one o'clock.

WILLIAM STEWARD *sworn.*

On the 24th of June, past two in the morning, my companion and I met William Gray, the prisoner, on this side Hyde-park-corner, with these three sauce-pans; we asked him where he had got them; he said he got them at Waltham-green; he said he was going to take them to Lime-house; we asked how he got them; he said from an honest man; we asked him what he was going to Lime-house to do; he said he did not know. We asked him how he came by them; he said a man gave him a pot of beer to carry these three sauce-pans from Waltham-green to Lime-house; we knowing certainly, that he did not come honestly by them, took him into custody, and brought him to Covent-Garden watch-house. I have kept the things ever since.

WILLIAM KERSLEY *sworn.*

I went to Waltham-green, and found the people,

people, and brought the three lids away, to see if they fitted, and they do exactly.

Mrs. Keene. They appear very much like mine; I lost three such saucepans.

PRISONER'S DEFENCE.

I was coming along, and I met with a person who had got these three saucepans, and he asked me if I would carry them along for him, and he would give me the price of a pot of beer; we were in liquor, and we laid down together and went to sleep, and when I awoke I found I was alone, and I went on about my business, and that made me so late out.

GUILTY, (Aged 24.)

Fined 1s. and imprisoned six months.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

289. HOPKIN THOMAS was indicted for feloniously stealing, on the 17th of June, one watch, with inside case and outside case both of silver, value 30s. one silver watch-chain, value 4s. one metal seal, value 2d. and a metal watch-key, value 1d. the goods of Adam Kampus.

ADAM KAMPUS *sworn.*

I am a sugar-baker; a servant. On the 17th of June I lost my watch.

What day of the week was this?—On a Friday, between eleven and twelve o'clock; I lost it from my master's sugar-house, one pair of stairs; my master's name is John Barker, he lives in Prince's-square, Ratcliff-highway; I did not see the prisoner take it; I saw it ten minutes before it was lost; the prisoner is a mill-driver, and works next to me; he came up stairs to me, and said he would take the iron screws to the smith; he did so; and ten minutes after my master called me down, and I missed my watch; and in the afternoon, between six and seven, I found it at the pawnbroker's; he is here.

Mr. Knapp. How long had you had your watch?—About four years.

NUMB. VI. PART I.

What is the number?—I forget the number.

What sort of a watch is it?—A silver watch, and a silver chain.

Do you know the maker's name?—I do not.

Where did this watch hang?—On the first pair of stairs, in the sugar-house.

What is that one pair of stairs, is it a place where you work?—It is.

Was there any body else worked in that room besides?—No, no one else.

Where did it hang in that room?—On the wall, on a nail.

When you go down, do you always lock the door?—It is always shut.

The doors are always locked, then; who keeps the key?—There is no key.

How many men may be employed in this sugar-house?—Ten.

These ten men, at different times, then, go into this room of this sugar-house?—They never go altogether.

They do go at different times?—Yes.

And any then might have gone in, because the door was not locked?—They could not, I am certain.

BLANCH GOSS *sworn.*

I am a pawnbroker, in Red-lion-street, Whitechapel: the prisoner at the bar pawned a watch with me on the 17th of June, between eleven and one; I had never seen him before, but I am certain he is the man.

Mr. Knapp. You are not the master?—I am not.

Where is your shop situated?—No. 30, Red-lion-street, Whitechapel.

Your master drives a good deal of trade, I believe?—Middling, Sir.

A great many people came into your shop in the course of that day?—Many.

You never saw the prisoner before?—Not to my knowledge.

What do you mean by your knowledge?—He is the man I took the watch in of.

What time of the day was it?—I cannot say positively, it was between the hours of eleven and one.

Might it not be between twelve and one?

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—I be-

—I believe, as near as I can form a recollection, it was rather before twelve.

Is there any particular mark or any particular way of knowing the prisoner at the bar; how long might he be in the shop?—He might be in ten minutes.

What made him so long; was you chattering about the watch all that time?—Nothing particular, but what we ask other people; I asked him if it was his own watch; he said it was; he said he had had it a long while, but he had never pledged it before.

What did you give him for it?—Half-a-guinea.

Did you enter it in your book?—I did.

Have you the book here?—No, I have not.

No, we can never get the book of the pawnbrokers here; what was there about his person that should induce you to know him again; how was he dressed?—He was dressed in a smock frock and trowsers.

Mr. Knapp to Prosecutor. What time did you miss your watch?—Between eleven and twelve.

How long might the prisoner be, after you missed your watch, before he was taken into custody?—It might be half an hour after eleven.

Court to Prosecutor. He was taken into custody about ten minutes after you missed your watch?—Yes, he was.

How long had the prisoner lived with Mr. Lemon, the millwright?—I don't know.

(The watch deposed to.)

RICHARD PARLOW *sworn.*

I am an officer belonging to Wellclose-square; I was sent for to take charge of the prisoner the 17th of June, between twelve and one in the day.

Prisoner. I leave it to my counsel.

THOMAS WALLIS *sworn.*

I am a cheesemonger: I have known the prisoner five months; he dealt with me, and paid me honestly.

ROBERT TANNER *sworn.*

I am a broker: I have known him between two and three years, been intimately acquainted with him; he was always a hard-working man, just and honest.

FRANCIS BRYAN *sworn.*

I am a chair and cabinet maker: I have known him three years; he hath bought things of me; I would give him credit as soon as any body.

SAMUEL WILSON *sworn.*

I am a painter and glazier; have known him twelve months; he is a hard-working, industrious man.

WILLIAM OWEN *sworn.*

I have known the prisoner a few months; he bears a very good character.

GUILTY. (Aged 36.)

Whipped, and imprisoned six months.

Tried by the first Middlesex Jury before Mr. RECORDER.

290. SARAH DOUGLAS was indicted for feloniously stealing, on the 14th of June, ten linen table-cloths, value 16s. two pair of linen sheets, value 18d. three linen pillow-cases, value 18d. one silver spoon, value 2s. and two glass tumblers, value 3d. the goods and chattels of Christopher Ibbetson.

ELIZABETH IBBETSON *sworn.*

I am the wife of Christopher Ibbetson: I missed the articles in the indictment on Saturday the 11th of June, about ten in the morning; I did not see the prisoner take them: the prisoner used to work at days in the house at times; she had worked that day; she is a chare-woman; I imagine some were taken from the laundry, and some from my bed-room; but the way I missed them was by getting all my linen together, and looking them over.

WIL-

WILLIAM CLARKE sworn.

I am a servant to a pawnbroker; the prisoner has been a customer to our shop; I knew her perfectly; she pawned with me eight table-cloths, &c. I know nothing of the tumblers; they were pawned at different times; the first table-cloth was pawned the 16th of April, and the last the 2d of June; there was a sheet and table-cloth pledged the 21st of May, a tea-spoon the 26th of May; I gave the things to Mrs. Ibbetson.

Mrs. Ibbetson. I produce the things which I took from the pawnbroker's, and have kept them separate ever since.

(Deposed to by their marks; some with initials, and some with the name at full length.)

Prisoner. I had been very ill, and when I got well I went to work for Mrs. Ibbetson, and she did not pay me very well, and so I could not pay my debts; she owes me 20s. now; I meant to take the things out of pawn, and replace them, as Mrs. Ibbetson had paid me.

GUILTY. (Aged 63.)

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

291. **THOMAS WILLIAMS** was indicted for feloniously assaulting John Tucker upon the King's highway, on the 4th of June last, and putting him in fear, and feloniously taking from his person, and against his will, one watch, with the inside case made of silver, and the outside case covered with tortoiseshell, value 50s. a steel chain, value 6d. and a steel key, value 1d. his property.

(The witnesses examined separate, by the prisoner's desire.)

JOHN TUCKER sworn.

I was robbed on Whitsun Saturday, going to market, with a basket under my arm, to buy a little bit of meat for my family, in

Fleet-market; between eleven and twelve, I came to Parker's-street; in the corner of it a young fellow came in blue clothes and snatched my watch out of my pocket; I ran after him above a hundred yards; I caught him by the clothes; says I, you've stole my watch; he says no; directly the man knocked me down backwards, and there was I crying murder and stop thief, your honour; and several came, and said, where is he, the thief, the blackguard; I can say no more, for I was very faint; I found my basket again; I had only a couple of shillings, and he took the watch without saying any thing to me; I never had my watch again; I saw the man when he took my watch, and when I laid hold of him.

Which is the man?—That is the gentleman there, your honour.

Prisoner. Upon my examinations before a magistrate, that man swore to losing a watch with a shagreen outside case and metal box, and I am indicted differently here.

Court. See if there be any such examinations.

Court to Prosecutor. Describe the watch.—Your honour, I made a mistake in the shagreen case, I found it out afterwards; it is tortoiseshell; it was a metal watch gilt; I cannot tell the number; the inside case was silver.

SAMUEL SIMPSON.

Prisoner. Please to ask the boy if he knows the nature of an oath, before he is sworn.

Court. Do you know why you are sworn?—No, Sir.

Do you know the nature of an oath at all?—Why, Sir, if I tell the truth, I shall go to heaven; but if I tell a lie, I shall go to hell, Sir. (*Sworn.*) I was going to bed, and I heard this gentleman cry murder! and I heard the cry, hold this gentleman; and I held this gentleman while Thomas Williams ran away; Thomas Williams said to Edward Curry, d—n your eyes, why don't you hold him; and Williams ran away; I am sure of that.

CHARLES

CHARLES MORGAN *sworn.*

I belong to St. Giles's watch-house: on Saturday, Whitfun eve, the prosecutor came in crying, and by his description we knew the prisoner; I took him the 16th of June, in Ruffel-street, and he was committed.

EDWARD TREADWAY *sworn.*

I only assisted in searching him.

THEOPHILUS BUTCHER *sworn.*

I assisted in apprehending him.

Prisoner. My lord, I believe this boy has been bribed to take my life away falsely.

GUILTY, but not of the robbery.

Transported for seven years.

Tri d by the second Middlesex Jury before Mr. Justice BULLER.

292. THOMAS WINTER and JOSEPH SINGLETON were indicted for feloniously stealing, on the 20th of June, nineteen pound weight of lead, value 2s. belonging to James Winter, affixed to his dwelling-house.

— GRACE *sworn.*

I am a plumber: I made the lead, and put it to James Winter's house; I cannot say the day of the month, above a twelve-month; I never saw the lead in the possession of the prisoners.

WILLIAM HORSEFALL *sworn.*

I am a builder: on the 20th of June, in the morning, at four o'clock, on Monday, the patrol called me up, and told me he had discovered some lead stolen from some of my building; I immediately got up, and went and found some lead concealed at the end of Howland-street, under some scaffolding; the watchman brought it out, and I looked at it, and I said to the best of my knowledge it was some that had been affixed to some of my buildings; I sent a labourer to watch the lead, to see who would come

for it; after that, it was taken to the place by Grace and myself, and fitted; it was taken from the North end of the house; it fitted very plain; it was torn from the wall-hooks, and part of the wall-hooks left in; I saw the lead on Sunday afternoon, near the evening, as I make a rule of going to see every evening if every thing is safe, as I several times have lost things.

— MURPHY *sworn.*

I am a labourer; my master sent me to watch the place, to see if any one came after the lead; about seven in the morning these two came; one of them went into the scaffolding, where the lead was hid, Joseph Singleton, and put it into his apron, and he brought it out to the other, and then the other ran away up Tottenham-court-road; I pursued them both, and took them; they were never out of my sight; I took them to Mary-le-bone watch-house; there was nothing found upon them; they were not searched; the lead was left in the watch-house, and from there I carried it down to Mr. Reid's office, Poland-street; and Mr. Horsefall has kept it ever since.

(The lead produced, and deposed to by Mr. Grace, being maker and putter-up, and comparing it with the other that was left remaining, exactly supplying the place that was missing, and the holes answering to the holes in the wall.)

PRISONER SINGLETON'S DEFENCE.

At six o'clock I went out to get work; going along, I met this man, and he asked me if I could help him to work; and going down the rope-walk, I wanted to ease myself, and went into this place and found this lead, and took it and tied it up, and was going to take it somewhere to be owned.

PRISONER WINTER'S DEFENCE.

I asked this man for a job; and going along this lad went into this place, and found this lead, and brought it out to me, and we were going to get it owned.

Court

Court to Horsfall. How far is this concealment from the house where it was taken?—About 250 feet; Mr. Winter's house is on the east side of Upper Newman-street.

Jury to Murphy. Did either of these lads go down to ease themselves?—No, they were walking about the place two or three minutes before they went down.

THO. WINTER, aged 17, }
JOS. SINGLETON, aged 14, } **GUILTY.**

Transported for seven years.

*Tried by the second Middlesex Jury before
Mr. RECORDER.*

293. ABRAHAM YOULET was indicted for feloniously stealing, on the 6th of July, 149 pair of stockings, value 17l. twelve pair of other stockings, silk and cotton, value 3l. thirty-six cotton night caps, value 2l. twelve thousand pins, value 12s. the goods of Thomas Flint.

(The witnesses examined separate.)

JAMES BULLER sworn.

I am servant to Mr. Flint, and carry parcels out; on the 6th of July, Wednesday, I was coming from Great Eastcheap from London-stone (Mr. Flint lives on Fish-street-hill) I was going to Mr. Flint's other shop in Marybone-street, Golden-square. The prisoner followed me from Great Eastcheap down Watling-street to the corner of St. Paul's; I had a bag of haberdashery goods, which I was carrying.

Court. Did you see this bag made up before you went out, do you know what was in it?—Yes, there was 149 pair of common stockings, twelve pair of silk and cotton, thirty-six night caps, and twelve thousand pins; I had some ladies chip hats besides this bag, and I laid them down for fear they should get damaged. I had put my bag down before. While I did this I told the man to let the bag alone, not—

NUMB. VI. PART I.

withstanding he made off with them; I made the best of my way after him I could, I took up my hats and the knot; I did not overtake him; he was overtaken in Shoe-lane, but I had lost sight of him just before he ran down Ludgate-hill, when he went from me; I first saw him after he was taken in Shoe-lane, in the hands of the constable, and the constable delivered back the parcel to me; it was carried from Shoe-lane to Guildhall, and a few parcels taken out, and the rest carried to Mr. Flint's, those taken out have been kept, and are here now.

Mr. Garrow, Prisoner's Counsel. You was carrying your parcel on a knot, was not you; and your knot broke, and your parcel fell in the dirt, and you was encumbered with a parcel of chip hats at the same time; the man helped you up with the knot and your goods?—He did.

Now attend to me, and do not suffer any blame you may have had from your master to tempt you to excuse yourself; you had more than you could conveniently carry, when your knot broke?—I had.

Did not he offer to assist you to carry part of these goods?—No doubt.

How far did you and he walk together?—From London-stone to the corner of St. Paul's.

Where did he take the parcel from you?—The corner of St. Paul's.

Tell me which corner of St. Paul's it was?—The other side of St. Paul's, at Eastcheap.

The man took your goods from that corner, and at the end of St. Paul's he turned down Ludgate-hill, and you walked all this way together?—No, I could not walk on with him because I had the hats.

Were not there plenty of people in the streets?—There were.

How far was you behind him all the way?—Very near him at one time.

Why you could have stopped him a thousand times between Ludgate-hill and Fleet-street?—I halloo'd out once stop thief.

When you came to the Old Bailey was there any thing particular going forward

I there

there, was not there a scaffolding out?—I believe there was.

I wish still you would remember the caution I gave you. Your master is displeased with you, naturally enough you have had a good deal of anger from your master about it?—I could not help it.

No, I am not now scolding you at all, my little lad. Your master is rather a rigid man, always prosecutes when he loses any thing?—Yes.

Your master is a pretty sharp man, as sharp as a *flint*, and as much fire in him. Do you remember stopping looking at the scaffolding in the Old Bailey?—No, Sir.

Why it was the day when eight unfortunate people were to be executed; on your oath did not you stop to see what it was erected for?—No.

Was not you told by the prisoner what it was erected for?—No.

What time was this?—About twelve o'clock.

When you came up to the man he gave up the goods, and said he was carrying them for you? your master had cautioned you against letting any body carry goods for you?—Yes.

And he was very angry with you?—I could not help his being angry with me, I believe not.

Jury. At first did you oppose his taking the goods, or did you believe he was carrying them for your ease?—I supposed he was taking away the goods.

How happened it you did not make an outcry, and repeat this outcry all the way along Ludgate-hill and Ludgate-street? why did not you run after him?—If I had ran after him I should have damaged the chip hats.

JAMES PRIOR *sworn.*

I am a constable. On Wednesday, the 6th of July, going down Watling-street, I observed James Butler with a bag on his knot, and the prisoner walking by the side of him; there appeared to be two others in company; they kept on, and I followed them, having a suspicion of them, to the

corner of St. Paul's Church-yard, by the coach stand, the south side, and James Butler went to the pitching block; I went to Ludgate-hill, and there I again observed the prisoner at the bar with the goods on his knot, the prisoner had a knot before, they crossed over on the right-hand side, and was on the left; at the bottom of Ludgate-hill I missed the boy, and kept sight of the goods till the end of Shoe-lane; he ran up Shoe-lane, with the goods upon his knot; he walked before this, and there was one of the other men who was in his company in Watling-street, kept close at his heels; on this my suspicion was confirmed; I ran after him, and laid hold of him; I asked him what he was going to do with these goods? he said he was going to carry them to Holborn. I told him from what I had seen I should not suffer him to go on. I secured him and the goods, when I had so done I delivered him to John London, and begged him to take care of the prisoner and goods while I went in search for the boy. I found the boy near the bottom of Fleet-street, running as well as he could, having some fine hats in a paper, which seemed rather to obstruct his running. I brought the boy to the goods, and had them all to the magistrate, and these goods were taken out of the bag, and given to me to keep to be brought here, and I have kept them ever since.

Mr. Knowlys. Did I hear you right when I heard you say you was a constable?—Yes.

You had followed these people some way, and you had a suspicion of them?—I followed them down Watling-street.

When the man and boy arrived at the very place where they could do their business, you left them?—If I had found he gave them to the boy again at the next pitching block, I should have thought nothing of it.

This was twelve o'clock at noon?—Yes.

A great many people walking?—Yes.

You had your suspicions alive all this time?—I had.

If there had been any cry of stop thief you would have heard it, and taken the man immediately?—Yes.

You kept your eyes on the man?—I did on the goods.

On your oath did not you keep your eyes on the man?—I did certainly, I could not one without the other.

Why did not you then answer the question directly; how long was it before you found the boy after you got the prisoner?—After I had delivered the man to London, I met the boy on the run, in the road in Fleet-street.

How many minutes do you think it might be from your leaving the man to your finding the boy?—About two minutes and a half, it could not be more.

Did you see the boy on Ludgate-hill?—I did.

How far might he be from the prisoner?—About the length of this court.

What passed at the block, whether the boy gave those goods to this man you cannot say?—That I do not know any thing of.

JOHN LONDON *sworn.*

I am a ticket porter. I know nothing more than stopping the prisoner in the street, by the desire of the constable; he had a bag upon a knot half full of things; he was walking pretty fast, but not running.

(The goods produced and deposed to by Mr. Flint.)

Mr. Knowlys to Mr. Flint. How long was it after the matter happened that you first saw the boy?—I was sent for from Mitre-court, Cheapside.

You did not reprimand him?—I did not scold him, I might say, what a blockhead you must be for doing so.

You are certainly a man of a mild temper?—That is certainly a proof of your penetration.

Now give me a direct answer, did you or did you not treat this boy with a good deal of anger on this subject?—I did not.

You never did scold him?—I did not to the best of my recollection.

I must have a positive answer?—I did not.

You swear then positively at last that you did not scold him?—To the best of my recollection I did not; I should be glad to know what scolding is?

I do not know how to explain it better, did you damn him, call him a rascal, and such things?—I did not.

You did not feel hot or angry?—I don't know that I did at all; if I upbraided the boy, it proceeded more from a matter of admonition in cool terms, than from anger.

Then you did not scold the boy at all?—I tell you and the Court I do not recollect I did.

On your oath was not the boy scolded very much and violently abused?—No, at no time whatever on this occasion, I swear I did not.

Then if he hath sworn to the contrary, he has sworn directly false?—I wish to be understood, I might upbraid the boy, but not in an air of passion; I do not recollect I ever abused him at all on the subject at all.

When was the first time you saw the boy after this affair happened?—At Guildhall.

Did you upbraid him in an angry manner?—I think I did it in the same manner as any man would in the same circumstances.

Give me a direct answer, was you or was you not angry?—I tell you I do not recollect I was, if I was it was in a very small degree.

Mr. Flint, for shame! do give me a direct answer to a direct question?—I do not recollect I did.

Court. Have you any recollection at all about it?—I do not recollect at all about scolding him.

PRISONER'S DEFENCE.

The same day I was out, I was going to Oxford-road, to fetch some glass for one of my masters; coming along Watling-street, I met this boy, and his load tumbled off his head; I helped him up with it, and going along with him, I told him if he would put his load down I would take it up and assist him,

him. I did so, and we went all the way to the Old Bailey; he then asked me what the mob was about there? I told him. He asked me, which way I should go? I told him I should go down Shoe-lane, as the way to Marybone.

Court to Prior. When you stopped him did he say he had the goods from a boy?—I cannot say that, but he said he was going to carry the goods to Holborn.

ISAAC PHILLIPS *sworn.*

The prisoner is my porter, I am a glass-cutter, he has worked for me this twelve-months; I always found him very honest, and would not object to employ him again.

SOLOMON MOSES *sworn.*

I have known the prisoner nine months, he has portered for me, and always behaved honest; I should have no objection to employ him again.

JOHN TANNER *sworn.*

I am a silk-dresser, I have the care of my father's business; I have entrusted him with loads to a great amount, and would again employ him.

GUILTY. (Aged 21.)

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

294. JOSEPH THOMPSON was indicted for feloniously stealing, on the 18th of July, one silk handkerchief, value 2s. the goods and chattels of John Rutherford.

JOHN RUTHERFORD *sworn.*

I am an hair-dresser; on Monday morning, about half past two, I had my pocket picked of a handkerchief as I was upon duty; I was constable of the night, on the top of Bread-street, Cheapside; I was going my rounds, I felt my handkerchief going out of my pocket, and I then turned round and saw the prisoner (I had a common coat on) put the handkerchief into his

pocket; I took him into custody, and took the handkerchief from him; I carried him to the New Compter, and in the morning I took him before the Alderman.

(The handkerchief produced and deposed to.)

PRISONER'S DEFENCE.

The prosecutor said I had taken his handkerchief; I said I had not, he then said whether you have or no, I will swear you have.

GUILTY, (Aged 26.)

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

295. ANN PEARSON and ELIZABETH MATTHEWS were indicted for feloniously stealing, on the 12th of June, one watch, with an inside and outside case, made of silver, value 40s. one steel watch chain, value 3d. one metal watch key, value 1d. one guinea and half a crown in money, the property and money of James Blake, privately from his person.

(The witnesses examined separate.)

JAMES BLAKE *sworn.*

I am a Taylor.

Are you a single man?—No.

On Sunday, the 12th of June, about eleven o'clock at night, I was rather in liquor, but I was sober enough to know what I was about. Going along Barbican three girls were standing together, and the middle one, Ann Pearson, took me by the arm, and we walked till we came to the end of a court. I cannot say the other prisoner was one of the three. When we came to the end of the court, she persuaded me to go up the court with her; I think it is Fig-tree-court; being rather in liquor, I gave way to her persuasions; I had not been there long before I found myself robbed of my watch and money.

Did

Did you go into a room with her?—No, I did not, I only went into the court.

Was any other girl in the court?—Not in my company, my Lord.

What sort of watch was it?—It was a silver watch, with a steel chain, a metal key; I lost besides a guinea and a half crown; I did not perceive her take these things, I missed the things before I left her; my watch was in my fob, and the guinea and half crown in my pocket. I had a pair of nankeen breeches on.

Was these breeches down at all?—They were not.

When did you last see your watch?—I felt it in my pocket a quarter of an hour before I missed it.

Have you ever recovered it?—It is in the constable's possession.

When did you last see your money?—I felt it in my pocket in a quarter of an hour before I lost it.

Was that all the money you had?—No, it was not, I had a guinea and 2s. besides, which I lost also, but this guinea and 2s. when I came to the watch-house, I found was put into my coat pocket, by some means or other.

When you missed this money and watch, had you left the woman or the court?—Neither, I stopped her at the instant.

Was any other woman near her?—There was another woman came up the court, that she spoke to, but I did not know who it was.

Was she within her reach?—Yes, she was.

Was the prisoner at the bar the other woman?—I cannot say that.

Did you see her give any thing to the other woman?—I did not.

You did not feel the money go at any time?—I did not.

Was the money in a purse?—It was not.

Now we all know that at this time breeches are made pretty tight, could it be possible for any person to take your watch and money out of your pocket, and you not feel it?—So it was, I did not.

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Then you was tolerably drunk?—I was the worse for liquor.

Prisoner Pearson. As you was so drunk, how can you know I was the woman?—I am quite sure of it, I was sober enough for that.

HUGH ANDERSON *sworn.*

I am a watch-maker, on the 12th of July (I am constable of the ward) the prosecutor brings Ann Pearson by the arm to the watch-house door, and said he had been robbed about eleven o'clock by that woman and two more in company; I searched her, and found there was no watch. When I got into Bridgewater-gardens I saw Elizabeth Matthews sitting.

What distance is between the two places?—About two hundred yards. As soon as she saw me and the watchman, she got up, and ran; she had got a young fellow with her that she lives with. I went after her, and putting my arms round her to stop her from going into a house where she was running to, I put my hand upon the watch; I had just before seen her with Ann Pearson and another. I brought her to the watch-house, and the prosecutor owned the watch, and told the name and number: this might be a quarter of an hour after the man was robbed.

(The watch produced, and deposed to by the maker's name and number.)

EDMUND HAMILTON *sworn.*

The watchman, confirmed the above account.

PRISONER PEARSON'S DEFENCE.

The prosecutor was in liquor, and he asked me to give way to his wishes; I said no, not without money; and as I was a loose woman of the town he gave me the watch to keep, and after he had to say to me he wanted it again, and in that scuffle I dropped it.

Prosecutor. I did not give her the watch, I gave her money.

K

Anderson.

Anderfon. I saw a guinea and a half in his pocket.

Prisoner Matthews. I found the watch, it was a moonlight night.

ANN PEARSON,
ELIZABETH MATTHEWS, } GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. RECORDER.*

296. JANE ACRES was indicted for stealing, on the 19th of July, one silver pap spoon, value 3s. two tea spoons, value 6s. the property of John Ansell.

JOHN ANSELL *sworn.*

I am a housekeeper at Edmonton, I lost the pap spoon and the two tea spoons, I was not at home.

HENRY SMITH *sworn.*

I am a breeches-maker; the prisoner used to chare at the prosecutor's; on Wednesday, about eight, or between eight and nine, I overtook the prisoner at the Bull at Tottenham High Cross, I accused her with the spoons, and she gave me three spoons out of her pocket, and she said she was very sorry, and could not think what induced her. I told her it would be better for her.

(The spoons depoted to.)

PRISONER'S DEFENCE.

I was going home in the evening, and called to know if my mistress had any thing for me to do, and I found them the next morning in my little girl's pocket, and I was going to take them home.

Prosecutor. She was going from my house towards town.

GUILTY, of stealing one tea spoon.

(Recommended by the Jury.)

Fined 1s. and imprisoned six months.

*Tried by the first Midd'sex Jury before
Mr. RECORDER.*

297. MARY WILSON was indicted for stealing, on the 6th of July, a woman's woollen cloak, value 4s. a child's linen cap, value 1d. a child's flannel petticoat, value 3d. a shift, value 3d. a gown, value 6d. a piece of linen called a pin cloth, value 3d. the property of Patrick Murphy.

JUDITH MURPHY *sworn.*

On Wednesday fortnight I left the child in the prisoner's care, while I went to sell my goods; I returned between eight and nine, I missed the child out of the cradle, and the cloak, I went out to the watchman; the child was six months old. I lost the child and the things in the indictment. The child was found on Friday in Shore-ditch, and all the things were on the child except the woollen cloak, which was at a pawnbroker's. He is not here, nor any body from him.

SARAH DAVIS *sworn.*

On Friday afternoon the prisoner came to my house in Kingsland-road, and begged me to give her some bread for her and the child; I said it was not her's, she said it was; then she said it was her daughter. I had had a hand bill about two hours before, and I sent for a constable, and took the prisoner into custody; and took care of the child, and delivered it to the father.

PETER MASON *sworn.*

I took the prisoner, I did not search her; she told me she pawned the cloak in Rosemary-lane, I went there with the prosecutor's wife.

PRISONER'S DEFENCE.

She bid me look after the child, and said I might take the child out as usual; many a time have I got a bit of bread, and brought it home to the child.

GUILTY.

Prisoner. I am sixty-three.

Court. Whatever her age is, this is a crime

crime of a very serious nature, this stealing of children, the must be sent abroad.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

298. HENRY GREEN and WILLIAM DAVIS were indicted for stealing, on the 2d of July, five live geese, value 8s. the property of James Wyatt, Esq;

(The case opened by Mr. Knapp.)

JOSEPH WILSON *sworn.*

I am steward to Mr. Wyatt, I lost five geese out of twenty-seven; I sent some men after them, and found three at Mr. Thomas's house, they are my master's; I missed them the 2d, and found them the 12th. The prisoners were taken on the 11th on suspicion. I know the geese by a foot mark, a slit in the web of the right foot.

SOMERSET THOMAS *sworn.*

I remember buying some geese about three weeks ago of Henry Green, the prisoner; I was to give 8s. for six, but some were lame; Davis and Green were both together. The geese have been in my custody ever since. (The geese produced and deposed to). I pitched their heads when I bought them, which has been taken off.

HEATHER *sworn.*

I sold twenty-seven geese to Mr. Wilson, Mr. Wyatt's steward; this is one of the geese by the foot mark.

PRISONER GREEN's DEFENCE.

I bought the geese.

HENRY GREEN, GUILTY.

Transported for seven years.

WM. DAVIS, NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

299. THOMAS WILLIAMS was indicted for feloniously stealing, on the 14th of June, ten glass decanters, value 10s. twelve glass tumblers, value 4s. two glass pepper castors, value 2s. two glass salt holders, value 2s. two looking glasses, value 5s. a linen knife cloth, value 2d. two case knives, value 6d. two forks, value 4d. the property of Thomas Lord; and a cotton and worsted waistcoat, value 6d. thirty-six oranges, value 12s. the property of John Collier.

THOMAS LORD *sworn.*

On the 14th of June, (I have a room in the Cricket-ground at Marybone, and keep the Cricket-ground,) I lost the things mentioned in the indictment.

JOHN COLLIER *sworn.*

On the 14th of June, about six in the morning, I found this room was broke open, the pannel of the door was taken out, and the things gone, which I locked up over night, and lost my waistcoat and six dozen of oranges, which were under my care for a gentleman. I looked over the field, and I found one of the cruets, but nothing else; the next day I saw the things at the Justices.

FRANCIS DALE *sworn.*

I am a watchman, I stopped the prisoner, he shunned me, and I took him into custody, with the property on him, he threw down the basket and ran away, he was brought back, I searched him. All the property is here, which he had on his shoulder.

JOHN CROCKER *sworn.*

I took him into custody, and have kept the things ever since. (Produced some of the things and deposed to). This centre bit matched to the hole in the door.

PRISONER's DEFENCE.

I had been to seek for work on Monday, and returning and laying down under some hay, and in the night two men came and brought these things and hid them, and in the morning I went to see what it was and I took it up, I did not know the consequence of meddling with it. I am a stranger entirely

tirely in this part of the world. I have no friends.

GUILTY, (Aged 27.)

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

300. **SAMUEL STANTON** was indicted for stealing, on the 23d of June last, ten silver table spoons, value 5l. and six silver desert spoons, value 48s. the property of Ann Denton, widow, in her dwelling-house.

ANN DENTON sworn.

I am a widow. I lost the things in the indictment from my house, on Thursday the 23d of June, out of the parlour. The prisoner was a stranger to me, I was not at home; I saw them when I went out that day between ten and eleven, they were lying on the side board in the dining parlour. None of them have been found.

THOMAS PLOTHER sworn.

I have been a servant of Mrs. Denton's two years. I was at Mrs. Denton's door, and a man, not the prisoner, came to me, and said, my man, what number is yours? I said No. 11, Sir; then, says he, I am very right, I came from Mr. Booth to take your jack down. Then the prisoner came in after him, and the parlour door was open. I ran up stairs. He locked the door when he went out, and when I came up the door was locked. I had put the spoons on the slab, half dozen desert spoons, I missed them directly, they were all taken away, and this man came up with three spits in his hand and the jack, and was going out of doors with it; he got out of the street door, and

was as far as the parlour window; I saw a shoemaker come along, and I asked him to stop him, as he had robbed our house; I saw him stopped, I never lost sight of him. The watchman took him, his name is Cockshaw; nothing was found upon him.

JONATHAN COCKSHAW sworn.

I took the prisoner in Bolton-street, Piccadilly (Mr. Denton lives there) about two yards from the door, very near the curb stone, he had a jack on his left shoulder and a basket in his right hand; he had no spits about him, the spits were in the passage. The boy was exclaiming about losing the spoons; at first I drew back; I took him by myself, had him to the watch-house, and to Sir Sampson Wright, and he was committed.

WILLIAM BOOTH sworn.

I live in Swallow-street, I never saw the prisoner in my life, till I saw him in Bow-street; I never sent a man at any time to take down a jack, I always do that business myself.

Court to Mrs. Denton. What is the value of these spoons? — I suppose they might be worth five or six pounds at least, I cannot tell positively the value.

JOHN JUKE sworn.

The prisoner worked for me nine months, I am a whitewash, about a year and a half ago, I never saw the least dishonesty of him in my life. I am a housekeeper.

GUILTY. 39s. (Aged 26.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

The next Part will be published in a few Days.

THE
TRIALS AT LARGE

OF THE
CAPITAL and other CONVICTS,
ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO

The Gaol Delivery for the County of *Middlesex*,
HELD AT
JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 20th of JULY, 1791, and the following Days;

Being the SIXTH SESSION in the Mayoralty of

The Right Honourable John Boydell,
LORD MAYOR OF THE CITY OF LONDON,

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

NUMBER VI. PART II.

L O N D O N :

Printed for E. HODGSON (the Proprietor);

And Sold by him, at his House, No. 14, *White Lion Street, Islington*;

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Pater-noster Row.

M D C C XCI.

[PRICE ONE SHILLING.]

THE
TRIALS AT LARGE,
 OF THE
CAPITAL and other CONVICTS,
 ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the City of LONDON, &c.

301. **JOHN MEAD** was indicted for that he, on the 5th of July, feloniously, wilfully and maliciously did set fire to and burn a certain dwelling house of Walter Carwardine.

A second count for that he, on the same day, unlawfully, feloniously, wilfully and maliciously did set fire to another dwelling house of the said Walter, against the statute.

The indictment opened by Mr. Knapp. And the case by Mr. Garrow, as follows:

May it please your Lordship. Gentlemen of the Jury, it is my duty, which I am called upon to discharge with more pain than I have ever executed any professional duty in the course of my experience, to explain to you the facts, and to explain to you, subject to the correction of the Court, the law by which a capital offence is to be imputed to the prisoner at the bar. Gentlemen, undoubtedly when any body contemplates such a wretch as that is, of so tender years, and recollects that he stands at this moment, one may certainly state on the brink of eternity, to be rescued from inevi-

table ruin only by your verdict; the sensation of such a person must be undoubtedly very painful. Gentlemen, in the course of the administration of justice, many very, very painful scenes present themselves; but inasmuch as we live in a society governed by laws, which are indispensibly necessary for the security of us all, now and then, however painful it may be to do it, examples must be made even of persons of the tender years of the unfortunate being at your bar. Gentlemen, the offence imputed to him, if it should be made out by the evidence, is of a sort undoubtedly the most atrocious that any person can commit; it sets out in the destruction of property, probably for the purposes of plunder, and none can say to what an extent it may reach; the death of many, many innocent persons is but too often involved in the perpetration of the offence, and therefore the security of society requires that wherever a case is fairly and fully made out to the satisfaction of a Jury, that Jury should discharge their duty; and some recent examples of some persons extremely young one would have hoped would have prevented the repetition of such crimes, by teaching the

the youngest persons in society, that if they are endued with malice enough to put people's lives in hazard, their own lives must pay the forfeit. Gentlemen, I wish I could tell you there were doubts; I wish I could tell you satisfactorily to pronounce this boy not guilty. Gentlemen, you are to judge by the facts, if they are strong and cogent, if you find that this fire, which is imputed to him, could have happened by no other hand than his, it will be your duty to say so by your verdict; you will not look to the right hand or to the left, but you will do your duty to look always at that with an eye of mercy, and to take especial care not to give more weight to the facts given in evidence against him, than those facts compel and wring out of you, and to endeavour if you can to pronounce him innocent. Gentlemen, in trials like these very difficult and very important points of law sometimes arise; on the present occasion, neither my Lord nor you will have any such trouble; he that runs may read. There is no pretence to say that these premises burnt by this offence belong to the prisoner; there is no pretence to say he had any interest in them; there is no shadow of a question in point of law: therefore it will be entirely for you to decide that it must grow out of the fact. Gentlemen, the prisoner was employed as a pot boy to the prosecutor of this indictment, who is a publican, he lived with him some time, and after he had quitted his service, he was taken back to that service in the month of June; on the 29th of that month, between eleven and twelve, the prisoner had been directed to go to bed, which he did; the family retired to rest, every thing was made secure, no appearance of fire, no possibility of its happening in the way in which it afterwards happened, but by design. In a very short time after a lodger, of the name of Hall, was alarmed by a smell of fire; he got up, and when he came down stairs and went to the cellar, he found in the passage, which led towards the door, a quantity of straw, the remains of an old shirt burnt, the partition burnt, so that a dog might creep through it; a

part of the door-post burnt, so as to reduce it to charle. From a variety of circumstances, and on the boy's coming down stairs nearly dressed, immediately after the alarm, he was secured, and his apartment searched. There will be no doubt about the law: the law and reason is this; that if any man shall burn the house of another, he shall be guilty of the offence imputed to him by the indictment; and if he shall do that, which in the second count is imputed to him, his punishment shall be equal; namely, if he shall set fire to the house of another. It is now past all question, that if you in the smallest degree burn the house of your neighbour, though you have done it, as some of the cases have been, by burning your own, which if it extended no further, would be only a misdemeanor; yet if you burn also the house of your neighbour, it will be the offence of arson; and the question always will be who is the person guilty of the fact, upon which the law arises. Gentlemen, on searching the person of the prisoner, they found upon him, in his pocket, a flint, a steel, and some matches; and on searching the bed to which he retired, there was found a tinder box. Gentlemen, it would be extremely difficult to account for any honest and laudable purpose for which he could be possessed of such instruments: it is by no means an inconsiderable circumstance that they are not found together; but that the tinder box is left in his bed-room, that they are found in his bed, and the matches and other implements necessary for kindling the light found on his person, in his pocket. Gentlemen, this could have happened by no other means, it could not have happened from without, it could not have happened from within by the means of any other persons, for they will be called to you as witnesses; how then could it happen? I am afraid the conclusion is too pressing and too strong, that it happened by the prisoner at the bar. Gentlemen, I have now told you only such circumstances as are extrinsic of any account this unfortunate creature has given himself; and if there are cases in which a jury may rely on circumstances, it is in cases of enormity.

mity, for persons are not to be expected to call in witnesses to see their enormity, but some care, some precaution, some address will be used, in order to perpetrate offences like these, when no eye shall be looking on. Gentlemen, I am afraid I have stated facts enough already; but if more be wanting, I have a full and ample confession of the prisoner at the bar, which I cannot suppress; I have enquired, and you will enquire particularly in the case of a person of such tender years as the prisoner, whether any thing was said, to induce him to make the confession; whether either his fears were alarmed, his hopes encouraged, his mind set off its centre; or any thing done, that could induce him for a moment to believe he was benefitting himself by the story he was telling. I am told no such thing was done, but that this is the effect of that contrition which now and then is to be found in the minds of the most guilty, and that he made the confession. Gentlemen, if it is necessary to say more, it will be this, that if you should be of opinion to satisfy yourselves, that he had no hope, that he had no threat used to him, you will receive his confession; but I conjure you, on the part of the prosecutor, not to receive a tittle of the confession, which will be sworn to by the witness, if you should be of opinion, that at that time he made it, he had the most remote and distant idea, that it would tend to benefit him; I ask you to attend to it, only as far as the other circumstances, which cannot lie, shall appear to give it veracity; and to make it appear, that the prisoner made it merely voluntarily, and with a knowledge that he was doing that which might by and by impute to him a capital offence. Gentlemen, I shall call the witnesses to you, and I shall have discharged a very painful duty on the part of this prosecution. Much will remain for you to do: it will remain for you to examine with the most scrupulous nicety every syllable that shall be produced: it will remain for you, under the able assistance of the Judge, to observe the demeanor of the witnesses, to attend to their conduct, and to

weigh their oaths, and to judge of it, as if you was about, on the verdict you are to give, to sign your own death warrant. Gentlemen, I am afraid in deciding on this case, you will sign the death warrant of the prisoner at the bar. I mention that to you only to put you on your guard: I mention it only to caution you, and to request you to deal with him, as you would expect that a jury of your country would deal with a son of yours of his years. Standing before such a tribunal, Gentlemen, before such a tribunal he will stand with all the safety that belongs to innocence. Gentlemen, after such a caution I have discharged my duty, I meant to have done so at least, and your verdict, I am sure, will be perfectly satisfactory.

WALTER CARWARDINE *sworn*.

I live in Red-lion-street; I keep the Wheatheaf.

Did you keep the Wheatheaf on the 5th of this month?—Yes, I did.

Do you know the prisoner at the bar?—Yes, very well; he lived with me six or seven years backwards and forwards; he came to me the 28th of June; he was there just eight days; this accident happened on the 5th of July; he came to me in the capacity of a pot-boy; he always slept in my house from that 28th of June; on the 5th of July the prisoner went up, to go to bed, about half past eleven; all the family went to bed at the same time, within a minute; there was Mr. Hall, who is here; my family consisted of my wife and self, no maid, no servant but this boy, and about twelve lodgers; we were alarmed about twelve; we went to bed at half past eleven, in the front room, one pair of stairs; when we got up, my wife struck a light, and we opened the door, and there was such a smother and smoke, I said, Suke, we shall never be able to get down stairs, we must get out at the window; but my wife said she would go down stairs at the risk of her life; and Mr. Hall and she went down stairs, and I followed them down below stairs, just in the kitchen, which is under ground, and they

they were throwing water on the fire in the passage; I saw the boy at the bottom of the stairs as soon as I came down, he was perfectly dressed except his hat and his shoes, even the handkerchief about his neck; I saw the boy before I came to the fire; I met him just by the bottom of the stairs, before I came to the tap-room, which is on the ground-floor; I said to the boy, I struck him, and said, I am afraid, you dog, you have set fire to my house, and I desired him to go to bed; I immediately went down to the fire, which was burning at the door of the cellar, in the passage; the cellar-door was on fire next to the passage, and there was some straw on fire, and the remains of a shirt, against that door; the door-post was burnt to a cinder about a foot and a half high, and part of the bottom was burnt away; I could put this hat-crown through it; then Mr. Hall put some water on the fire, and rubbed the fire out with his hands; the fire was put out with water, and we brought away the straw and the old shirt: the floor is pavement: I went up stairs, and took the boy out of bed to the watch-house; the boy would not say anything; I told him, if you will confess, I will not take you to the watch-house; when we took him to the watch-house of St. George the Martyr, in Bedford-street, I gave charge of him; I saw him searched in the watch-house; there was a flint and steel, and one match, and two keys, I saw taken out of his breeches pocket; nothing else was found upon him at that time; he had no use for such things; my wife, or the maid, lighted the fires, not the boy; the prisoner was ordered down to Bridewell that night; I came back, and we went and searched his bed, and there I found, on turning down his bed, a tinder-box and tinder, and some matches, five or six, between the sheets (they are here); the tinder-box was covered.

Court. When you took the prisoner to the watch-house, was the door of his room locked or not?—It was locked, and I put the key in my pocket; I unlocked it when I returned; I have had them ever since. (The tinder-box, tinder, matches, and part of a shirt, produced to the Court and Jury.)

NUMB. VI. PART II.

Mr. Hall took up the remains of the shirt and the straw in my presence; he brought it up to my bed-room door, and I put it in paper, and have kept it ever since; I had seen a shirt hanging on an ale cask a short time before, about four or five, the afternoon of the fire; the cellar-door was open all day; it was not locked that night; it appeared to be a boy's coarse nasty shirt; I understand it belonged to the last boy.

At any other time was there any thing else found, either in the house, or on the person of the prisoner?—Nothing else: I saw the prisoner on the 6th, at Justice Clarke's, on Clerkenwell-green; he said very little the first hearing; he was had up again.

Court. Was this your tinder-box?—Yes; I saw it that day, over the mantle-shelf in the kitchen, at twelve or one, or two, in the course of the day of the 5th, before the fire.

Can you speak with certainty, that that is your tinder-box?—Yes; I can.

Was there any hope held out to him, or any threats, so as to induce him to confess?

—There was no more then than there is to me now; I did not hear any thing; but the magistrate spoke very civilly to him.

In point of fact, were there any hopes held out to him, that he should not be prosecuted?—Not to my knowledge.

Or any threat?—No.

Court. Was that examination taken in writing by the magistrate at the time?—I believe Mr. Clarke took down something, but I do not know what he wrote.

Did the prisoner say any thing?—No, nor ever was asked to do it; at the third examination there was a sheet of paper taken down, but I did not see the prisoner sign it, nor nobody asked him to sign it, or else I do not doubt but he would.

Mr. Garraw. Do you know whether Mr. Clarke wrote what the boy said?—I believe he wrote nothing else but Mead's confession about White.

That was a charge about another person who was taken and discharged?—Yes.

Do you know at all whether the justice's clerk took down what the boy said to the magistrate?—Yes, there was a great deal

B taken

taken down by the solicitor to the fire-office and did you ever hear the boy give an account of this transaction at a time when the clerk did not take it down?—Yes, he said a great deal at that second hearing.

At that second hearing was any thing taken down by the justice that the boy said?—He pretended to take it down; he did not read it to me; he was writing something; he told me he had taken down what the boy had told him about the other boy; I told you he had taken down his confession.

The boy confessed the same the second hearing as the third?—The magistrate was asking the boy questions, and the clerk was writing.

Mr. Garrow. At the third examination the solicitor of the fire-office took it, and not the justice's clerk?—Yes, the justice's clerk gave it up to the solicitor; he said he was more capable.

Court. If the solicitor did it for the justice's clerk, that would be the same thing; then I really am of opinion that what he said cannot be received.—There was another boy taken up, and he was discharged last Thursday, and this boy was committed.

Court. What sort of people are they that lodged in your house?—Very good sort of people.

Prisoner. Did not my mistress say, when she came down, that she found other people below besides the boy?—My wife never told me so, nor any thing like it.

Prisoner. There was a girl down between five and dark, three or four different times, of the name of Norris?—Yes, such a girl was there, I believe, between four and five o'clock; the girl did go down once, to my knowledge; and I desired her to go down and fetch her father a light; I was down fifty times, I suppose an hundred, after that.

Court. With respect to this bed of his, did he sleep alone?—He slept alone.

Was there any other bed, or any body else slept in that room?—Nobody from the Saturday night before.

Jury. What reason have you to suppose the boy brought the straw down?—Because there was no one else goes into that cellar.

Mr. Garrow. Let me see if I understand you; in that porter cellar was some straw; had any body, except yourself, your wife, and the prisoner at the bar, recourse to that cellar?—No one at all.

Jury. I thought you said there was a girl went for a light?—She went down into the kitchen, but not into the porter-cellar; besides, I went down fifty times after she was there; I was there after eleven o'clock.

Court. When did you lock that cellar-door?—About a quarter after eleven that night.

Court. Let me understand you right; you say you sent this boy to this cellar in the day; you went into that cellar, and your wife, and this boy, and you had lodgers; now then this cellar was open to all your lodgers to go down into that cellar?—No lodgers had any business to go there.

Jury. How came the straw to be removed, and where was it after you locked the cellar-door?—We found it after the alarm of the fire.

How came you not to see it before?—Because it is a passage we do not go into; it is at the farther end.

Court. In locking the cellar-door, and going up to bed, did you not pass that passage where the straw and fire was?—No.

Then the straw might be in the passage, and you not see it, because you came from the cellar-door another way?—Just so.

Mr. Garrow. Attend now a moment; I want to know, whether, in going from your cellar-door, after you had locked it, and going to bed, you passed that place where afterwards the fire was?—No, we did not pass by that place at all; that was found against the door of the spirit cellar.

You have two cellars; one is a porter cellar, and the other is your brandy cellar; the one which hath the porter is open during the day for to go into to draw the porter; now how far distant is the brandy cellar from the porter cellar?—A good distance.

Out

Out of fight?—Yes.

Then you could lock your cellar-door, and go to bed, without going near that door where the fire afterwards was?—Certainly.

Court to Prosecutor. Are you prepared to say, that any straw, any quantity of straw, was missing from the cyder cellar?—There was; I missed it immediately.

Mr. Garrow. You say you missed it immediately; how soon did you go into the porter cellar to see whether there was any straw missing?—Immediately on the alarm of the fire, and I had extinguished it, I went into the cellar, and was immediately assured that some straw was taken from that cellar.

Jury. Had any cyder been taken out that afternoon?—None.

Court. You said that you went to the porter cellar immediately on the fire being extinguished; did you then unlock it, had you the key?—I had, and I did this before I took the boy out of bed; and I said to my wife, Suke, there is some straw gone.

JOHN HALL *sworn.*

(Examined by Mr. Garrow.)

I am a carpenter and joiner, I have lodged in the house of Mr. Carwardine twelve months, I have known the prisoner between four and five years, he was a potboy; I went to bed on the night of the alarm about eleven, and the boy was ordered to bed before I was, but what became of him I cannot say; and I suppose I might be talking with my fellow-lodger about a quarter of an hour after I went up in my own room; he slept in my room, and I went to bed; I was no sooner undressed and in bed, but I thought I smelt fire; I looked to see if I had put my candle safe, and laid down again; I could not be satisfied but there was a fire in the house, and got out of bed, and went to the table, and took the extinguisher to see if all was safe, and got into bed again, and laid for about a minute, and found the smell of fire increase; I says I will not lay here to be burned, and jumped out of bed, and called Mrs. Carwardine; I

was on the one pair back-room, the landlord sleeps on the one pair front-room; the stair-case was all in a smoke; for God's sake, says I, you have not put out the fire; the stair-case is all of a smoke; I went down to the ground-floor, and got to the back-door and opened it, and called out to the watch to bring a light; the husband said to the wife, Suke don't go down; she said she would go down if she lost her life, for she should be suffocated; she went down first, and I followed, and a part of the door of the spirit cellar was all on fire; for God's sake, says she, where is some water? and she unlocked the cellar-door; I went and fetched a pail of water from the kitchen, and throwed some on it, and just as I was coming out of the kitchen with the first pail of water, I saw the prisoner standing near to the bottom of the stairs of the kitchen-floor; the kitchen-floor is under ground, I just saw him as I run by with the water; he had his hat off and his shoes; I believe he had every thing else on.

In what manner do you think the cellar-door was set on fire?—The watchman came, and I put my right hand up the corner, and drew out that straw, with part of an old shirt.

(The straw produced.)

Was this straw a part of the general mass which had been burning against the door of the cellar?—This was.

Court. How much was you dressed?—Nothing but my shirt on and my night-cap.

How was the landlord?—I believe he had nothing but his shirt and breeches.

How was the woman?—She had nothing but her shift and night-cap.

Did you hear any body come down stairs before you?—I did not.

Nor heard any noise?—I did not.

Mr. Garrow. Then it appears to you, that you was the first person that gave the alarm, and you had been out of bed some minutes when you saw the boy?—I was.

Jury. Are the stairs very wide?—Not very wide stairs, I suppose they might be six or seven feet.

Supposing

Supposing the prisoner to have gone to bed when he was ordered, he must have come down the stairs by your door?—He must, but I did not hear him when I was in bed.

You was in conversation with a person before you got to bed; did you hear any body go down then?—I did not.

Mr. Garrow. What did you do after you took this straw out?—After I had scraped the straw out, I took it up stairs, and said this must be done on purpose; and after the fire had been extinguished, Mr. Carwardine said to the boy, you young scoundrel, you have done this; and said he would take him to him to the watch-house; I told him to tell me whether it was an accident, or whether he did it on purpose; he said he knew nothing about it; we took him to the watch-house, and I said to Mr. Carwardine, if that boy sleeps in this house to-night, I will not; I saw a match, flint and steel taken out of his pocket at the watch-house; on my return from the watch-house, I went up to the bed where the boy slept, and found some matches, six, or seven, or ten, and a tinder-box between the sheets; and then Mr. Carwardine called a person, who lived in the two pair of stairs back-room, to see what was done.

GILES BLEASDALE *sworn.*

I am an attorney, and am a solicitor for the London Assurance Company; I attended at Mr. Clarke's, a magistrate in Clerkenwell-green, I believe it was on the second examination; it was on Friday the 15th of this month.

Did you take down any examination?—I did.

Before the boy entered on his story had any promise been made to him?—None.

Had any threats been made use of to induce him to accuse himself?—None; it was certainly free and voluntary, without any apprehension of any kind, or any expectation.

Did you take in writing the story he has told?—I have.

Read it.

(John Mead's examination.)

Court. Did you take this for the clerk?—I did not.

Was this examination proposed, as it would have been, if it had been taken by the clerk of the magistrate, to the prisoner to sign as a confession?—It was not.

John Mead's examination. Deposed that he was turned of sixteen last December, that he came to live with Mr. Carwardine the second time on Tuesday night was a fortnight; that the fire happened a week afterwards, by his being persuaded by White to do it; and deposed that White met Mead in Eagle-street the Thursday before the fire, and that White spoke to him and asked him if he lived with Mr. Carwardine, and he said yes; that White said he wished he had staid a little longer, for his intention was to have set the house on fire, and if he could get it done, he would give Mead half a guinea. White proposed it should be set on fire on Tuesday night, and proposed to meet Mead in Eagle-street; he went up to bed about half past eleven, staid till his master and mistress got up stairs, and got a light from a lodger, then went into his own room again; then went down stairs, and set fire to some straw he had prepared in the afternoon from an hamper, and put a shirt which he had taken from the cellar on the straw, and returned up stairs to his own room; in ten minutes Mr. Hall gave an alarm; his master met him on the stairs, and sent him to bed again; his master fetched him out of bed soon afterwards, and had him to the watch-house.

WILLIAM LEDE *sworn.*

I lodged with Mr. Carwardine about a fortnight, in the garret; I believe the boy slept a pair of stairs below; I went to bed about half past eleven; I believe, the boy drew the last pot of beer for Mr. Hall and me; Mr. Hall and me went up together, and I staid about quarter of an hour talking with Mr. Hall; when I bid Mr. Hall good night, and was going from his lodging-

odging-room to my own, the boy came out of his room, and asked me, if you please, let me light my bit of candle, for it is out; I did, and then went to my own place; I suppose this was within a quarter of twelve. I did not come down at all that night.

Mrs. CARWARDINE sworn.

I am wife of Walter Carwardine. The first alarm I had of the fire was from Mr. Hall: he said, here is a fire, for God's sake we shall be all burned in our beds; I opened my door, and there was such a smother, I could hardly open it.

How did you leave your house before you went to bed?—There was no fire in the kitchen for hours, nor any candle but what I had in my hand.

How long before you went to bed was the boy sent to bed?—He and I went up to bed at one time.

Had he a light to go to bed by?—No, we never allowed a light.

Therefore then, if he had a light, he must have got it in a clandestine manner, and against your orders?—He must.

Now proceed to tell us how you found the place?—When I came to the bottom of the stairs, I could hardly fetch my breath, I just opened the kitchen-door, and Mr. Hall halloo'd out, here it is, and I found the fire was against the door of the spirit cellar; that door was always kept locked, and never kept open.

When had you last seen the door?—I had not seen the door after I went down for some spirits, about eleven or twelve o'clock in the day.

Had any body occasion to go to that cellar-door after candle-light?—No body at all, it went into the coal-cellar, and where we kept cinders.

Was you present when the boy was searched?—I was not, he was not searched at home.

Who gave him his key to go to bed?—The key was in the door; there was a young man that slept there sometimes, but he had not slept there for some nights.

NUMB. VI. PART II.

Who made his bed that day?—The chare-woman.

Jury. Did the chare-woman sleep in the house?—No.

Prisoner. Did not a man of the name of Norris send his girl to go to get a light for his tobacco-pipe?—I do not remember.

WILLIAM VALLED sworn.

I was the constable of the night, I searched the boy at the watch-house; there is a steel, a flint, a match, and two keys. (Produced.) The keys, he said, belonged to his box.

THOMAS CLUTTEN sworn.

I am assistant to Mr. Lawrance, the surveyor belonging to the fire-office; I went to the premises this afternoon, to examine them, and found the door very much burned, the lower part burned through, and some remains of the straw. The hole burned in the door was about eight inches long, and three inches high, and likewise the upper part was a good deal singed.

PRISONER'S DEFENCE.

I found this flint and steel on a shelf on the top of the cellar stairs, and I took a couple of matches from the mantle shelf, because I perceived the fire was almost out, and I took the tinder-box to strike a light. This was in the afternoon, but being called up stairs in a hurry, to my mistress, I put the flint and steel into my pocket; I left the tinder-box standing on the dresser.

Court to Mrs. Carwardine. Was the cyder in the porter-cellar, in a hamper or not?—It was in a round basket.

Was there a hamper there?—None but what the cyder was in; it was almost like a hamper, but not in the shape of one.

Mr. Garrow to Mr. Clutten. Was this liquor-cellar a part of the original formation of the house?—It is.

Court to Lede. How was the boy dressed when he applied to you for a light?—He had all his clothes on but his hat.

Court to Mrs. Carwardine. How did this boy that night, or other nights, go to bed, about

about his shoes?—I never ordered him to take his shoes off.

GUILTY, Death. (Aged 16.)

Tried by the first Middlesex Jury before Mr. RECORDER.

302. **THOMAS WILDEY** was indicted for stealing, on the 29th of June last, four saws, value 12s. one carpenter's plow and iron, value 5s. and divers other tools, value 24s. the property of Thomas Wright.

(The witnesses examined separate.)

THOMAS WRIGHT *sworn.*

I am a carpenter and joiner. On Wednesday, the 29th of June, I locked up all my tools, at the house of Mr. Clarke in Hampstead in the morning; the lock was wrenched off, and all the tools mentioned in the indictment were gone. I have found nothing since but a chalk-line, and one of the punches; the prisoner had worked with me about ten days: he robbed me on the Wednesday, and was taken on the Sunday, and the chalk-line and punch found on him.

THOMAS ARMS *sworn.*

I am a headborough; I apprehended the prisoner with a chalk-line and a punch; the prosecutor swore to the punch and the prisoner.

WILLIAM EYLES *sworn.*

The prisoner worked with me; I saw him taken.

WILLIAM RATCLIFFE *sworn.*

I was present when the prisoner was taken, I went with him to the privy; and after he left the place I went there, and found a chalk-line.

(Deposed to.)

PRISONER'S DEFENCE.

I was at work at a gentleman's house in Hampstead, I could not do without a wrench

of this kind; I never borrowed one of Mr. Wright, or of the boys. I always worked by myself; that very Wednesday, as he says he lost the tools, I could have had three witnesses where I slept that night; I have a wife that I expected lived along with Counsellor Kent, and I know Squire Kent; I had not seen her for a long time, I had occasion to go down that night to look for her, I slept at the Nag's-head; I did not know when my trial came on; on the Sunday following in the morning, I came to this Hampstead, on purpose to meet this wife of mine there; which if I had stolen these tools, would any gentleman reasonably think I should go there back again; I went to the house, my master challenged me, and I went with him into his yard; I was greatly surprised, these gentlemen all said that they had a very plain proof and witness that I took them. When the watchman came he said that he did not know me, that he could not swear to me; no man can swear to the wrench, I have had the wrench above a twelvemonth.

Court to Prosecutor. By what circumstance do you know that wrench to be your's?—By having the fellow to it; they were both made out of one file; I am sure it was in the basket that evening.

Prisoner. No man can swear to the wrench.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. RECORDER.

303. **JOHN LADLER** was indicted for stealing, on the 14th of June last, thirteen rings of brass wire, value 20l. the property of William Mesheter and others.

THOMAS MARSHALL *sworn.*

There were one hundred and forty rings of brass wire landed out of the London, Captain Frampton, on Iron-gate wharf, the property of the prosecutor, and when

we

came to load them away, we found thirteen rings wanting.

DAVID FINNIS *sworn.*

I was at Madam Lacey's Wharf; I work at the wharf where this wire was hid, and I saw this prisoner go away with one of the bundles of wire off the wharf, on Wednesday, the 15th of June; I did not stop him, I had no suspicion he had stolen it, it was all over dirt, and I thought he went in doors on some other occasion; I went in about an hour and an half afterwards, and saw eight more rings hid there.

MATTHEW LAWS *sworn.*

I saw the prisoner and another on the wharf, about six in the morning, they went away about eleven; I thought they were about no good. My master, Mr. Finnis, picked up eight rings of wire, between twelve and one of the same day, but I saw nothing more of the boy at that time; about eight the prisoner and the other lad came to see if the property was there; and the other boy gave the prisoner a check by the hand; I took them, and asked them what they had been looking for. I secured the prisoner about ten at night, at the Sun at St. Catharine's.

THOMAS SMITH *sworn.*

I loaded the wire on Tuesday, the 14th of June; one hundred and forty rings; and on the Wednesday I loaded sixty-three, and on the Friday following I loaded sixty-four; there I found thirteen wanting.

EDWARD MARRIOTT *sworn.*

I work for Mr. Boddington, the gentleman to whom the wire was consigned; I loaded the wire, it was the same sort of wire that was consigned to us.

PRISONER'S DEFENCE.

I was on board of a ship that evening they say the robbery was done, I could have had witnesses; the Justice and this gentleman would have me fully committed that night; that morning we came for two casks of beef,

and our boat lay a-ground, and we came up to this place, and got on the mud that night, which gave the people a suspicion of us; Finnis said at the Justice's, he was not sure that I was the person, till a runner spoke to him; and then he came directly, and said he could swear to me, and the Justice gave him his oath after; he said before he could not swear to me.

Finnis. I never said any such thing, I am sure, to the prisoner; there was not another foul there; he tried to hide himself behind the cart, when he had the wire in his hand.

Marshall. I was there; no such thing was said.

GUILTY.

Fined 15. and imprisoned twelve months.

Tried by the first Middlesex Jury before Mr. Justice WILSON.

304. **JOHN POCOCK, MARY ASHPHOL** the elder, and **MARY ASHPHOL** the younger, were indicted for stealing, on the 26th of June, thirty-two iron rivets, value 5s. 4d. a piece of iron, value 2s. a cast iron pitch-pot, value 4d. and a back-band, value 6d. the property of Benjamin Williams.

BENJAMIN WILLIAMS *sworn.*

I am a wheel-wright and Smith, No. 41, Old-street; I lost the things in the indictment, last Sunday three weeks in the morning.

PETER HUGHES *sworn.*

I was constable of the night, last Sunday was three weeks; about two o'clock the watchman brought in the eldest of the women, I left her in the watch-house, and went with the watchman to the prosecutor's workshop, and saw the man prisoner creeping out of the workshop, with a basket on his shoulder; he came towards us, there was no other way for him to come but; when

about his shoes?—I never ordered him to take his shoes off.

GUILTY, Death. (Aged 16.)

Tried by the first Middlesex Jury before Mr. RECORDER.

302. **THOMAS WILDEY**, was indicted for stealing, on the 29th of June last, four saws, value 12s. one carpenter's plow and iron, value 5s. and divers other tools, value 24s. the property of Thomas Wright.

(The witnesses examined separate.)

THOMAS WRIGHT *sworn.*

I am a carpenter and joiner. On Wednesday, the 29th of June, I locked up all my tools, at the house of Mr. Clarke in Hampstead in the morning; the lock was wrenched off, and all the tools mentioned in the indictment were gone. I have found nothing since but a chalk-line, and one of the punches; the prisoner had worked with me about ten days: he robbed me on the Wednesday, and was taken on the Sunday, and the chalk-line and punch found on him.

THOMAS ARMS *sworn.*

I am a headborough; I apprehended the prisoner with a chalk-line and a punch; the prosecutor swore to the punch and the prisoner.

WILLIAM EYLES *sworn.*

The prisoner worked with me; I saw him taken.

WILLIAM RATCLIFFE *sworn.*

I was present when the prisoner was taken, I went with him to the privy; and after he left the place I went there, and found a chalk-line.

(Deposed to.)

PRISONER'S DEFENCE.

I was at work at a gentleman's house in Hampstead, I could not do without a wrench

of this kind; I never borrowed one of Mr. Wright, or of the boys. I always worked by myself; that very Wednesday, as he says he lost the tools, I could have had three witnesses where I slept that night; I have a wife that I expected lived along with Counsellor Kent, and I know Squire Kent; I had not seen her for a long time, I had occasion to go down that night to look for her, I slept at the Nag's-head; I did not know when my trial came on; on the Sunday following in the morning, I came to this Hampstead, on purpose to meet this wife of mine there; which if I had stolen these tools, would any gentleman reasonably think I should go there back again; I went to the house, my master challenged me, and I went with him into his yard; I was greatly surprised, these gentlemen all said that they had a very plain proof and witness that I took them. When the watchman came he said that he did not know me, that he could not swear to me; no man can swear to the wrench, I have had the wrench above a twelvemonth.

Court to Prosecutor. By what circumstance do you know that wrench to be your's?—By having the fellow to it; they were both made out of one file; I am sure it was in the basket that evening.

Prisoner. No man can swear to the wrench.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. RECORDER.

303. **JOHN LADLER** was indicted for stealing, on the 14th of June last, thirteen rings of brass wire, value 20l. the property of William Melhether and others.

THOMAS MARSHALL *sworn.*

There were one hundred and forty rings of brass wire landed out of the London, Captain Frampton, on Iron-gate wharf, the property of the prosecutor, and when

we

came to load them away, we found thirteen rings wanting.

DAVID FINNIS *sworn.*

I was at Madam Lacey's Wharf; I work at the wharf where this wire was hid, and I saw this prisoner go away with one of the bundles of wire off the wharf, on Wednesday, the 15th of June; I did not stop him, I had no suspicion he had stolen it, it was all over dirt, and I thought he went in doors on some other occasion; I went in about an hour and an half afterwards, and saw eight more rings hid there.

MATTHEW LAWS *sworn.*

I saw the prisoner and another on the wharf, about six in the morning, they went away about eleven; I thought they were about no good. My master, Mr. Finnis, picked up eight rings of wire, between twelve and one of the same day, but I saw nothing more of the boy at that time; about eight the prisoner and the other lad came to see if the property was there; and the other boy gave the prisoner a check by the hand; I took them, and asked them what they had been looking for. I secured the prisoner about ten at night, at the Sun at St. Catharine's.

THOMAS SMITH *sworn.*

I loaded the wire on Tuesday, the 14th of June; one hundred and forty rings; and on the Wednesday I loaded sixty-three, and on the Friday following I loaded sixty-four; there I found thirteen wanting.

EDWARD MARRIOTT *sworn.*

I work for Mr. Boddington, the gentleman to whom the wire was consigned; I loaded the wire, it was the same sort of wire that was consigned to us.

PRISONER'S DEFENCE.

I was on board of a ship that evening they say the robbery was done, I could have had witnesses; the Justice and this gentleman would have me fully committed that night; that morning we came for two casks of beef,

and our boat lay a-ground, and we came up to this place, and got on the mud that night, which gave the people a suspicion of us; Finnis said at the Justice's, he was not sure that I was the person, till a runner spoke to him; and then he came directly, and said he could swear to me, and the Justice gave him his oath after; he said before he could not swear to me.

Finnis. I never said any such thing, I am sure, to the prisoner; there was not another soul there; he tried to hide himself behind the cart, when he had the wire in his hand.

Marshall. I was there; no such thing was said.

GUILTY.

Fined 1s. and imprisoned twelve months.

Tried by the first Middlesex Jury before Mr. Justice WILSON.

304. **JOHN POCOCK, MARY ASHPPOOL** the elder, and **MARY ASHPPOOL** the younger, were indicted for stealing, on the 26th of June, thirty-two iron rivets, value 5s. 4d. a piece of iron, value 2s. a cast iron pitch-pot, value 4d. and a back-band, value 6d. the property of Benjamin Williams.

BENJAMIN WILLIAMS *sworn.*

I am a wheel-wright and Smith, No. 41, Old-street; I lost the things in the indictment, last Sunday three weeks in the morning.

PETER HUGHES *sworn.*

I was constable of the night, last Sunday was three weeks; about two o'clock the watchman brought in the eldest of the women, I left her in the watch-house, and went with the watchman to the prosecutor's workshop, and saw the man prisoner creeping out of the workshop, with a basket on his shoulder; he came towards us, there was no other way for him to come but; when

when he came near us, which was at the back of the street, he first saw us, as I take it, about ten yards; we went up to him and searched him; I told the watchman to take the basket; it had these pieces of iron; they have been all secured in the watch-house ever since, except one iron holdfast, which I have kept ever since; the man prisoner had not the pitch-pot, nor the back-band; I searched the elder woman; she had nothing about her; I know nothing more, only the other woman was brought in afterwards.

JOHN JOHNSON *sworn*.

I am a watchman: on the 16th of June, about two, I heard Mr. Williams's yard-dog making a great noise, which continued some time; I went to the back part of the workshop, and the woman was sitting close to the shop, and a hole broke in the shop; I went up to her; she said she was going to sleep there; I took her to the watch-house; and we went to the place, and saw the man prisoner come creeping through a hole in the shop, with a basket; we took him to the watch-house; the basket was left in the watch-house; I went back again, and found the younger woman standing near the premises, with another basket; and a pitch-pot and chain in it, and an iron back-band, within a few yards of her; she had nothing upon her.

PRISONER POCOCK'S DEFENCE.

I was going that way, and saw the iron lay in a basket.

PRISONER ASHPPOOL's (WIDOW) DEFENCE.

I am a poor woman that gets my bread in the street; I had no money to pay my lodging, and I went and sat myself down, not thinking any harm, and they took me; no man was nigh the place when I sat down; the other woman is rather troubled with fits; the girl was along with me, and I gave her a blow, and she went and sat on the other side.

Prisoner Ashpool, spinster. I have nothing to say.

JOHN POCOCK, GUILTY.

Transported for seven years.

MARY ASHPPOOL, the elder, } NOT
MARY ASHPPOOL, the younger, } GUILTY.

*Tried by the London Jury before
Mr. RECORDER.*

305. MARY GRAHAM was indicted for stealing, on the 14th of June, two silver table spoons, value 20s. the property of James Hamilton, Esq; commonly called Earl of Clanbrassil in the kingdom of Ireland.

(The case opened by Mr. Knapp.)

Mr. Justice Buller. How is that; I took him to be Earl Clanbrassil, not commonly called so; an Earl's son has the title by mere courtesy, but not so when a man is an Earl: you may go on; I shall save the point: I think it is wrong.

(Mr. Shelton was called to inform the Court how the practice had been; he said it had been usual so to describe them.)

(The witnesses examined separate.)

PATRICK JOYCE *sworn*.

I lived with Lord Clanbrassil, in Stanhope-street, May-fair, on the 13th of June last, and had done almost four years.

Has my Lord any farther living?—No: I had the care of the plate; I know how many spoons he had; they were counted on Sunday the 13th of June; I did not count them on Monday; I missed five on the 14th, between two and three o'clock; they were in the dining-parlour; the prisoner was at my Lord's house on Monday evening, between nine and ten; she had been with a petition to my Lady.

Mr. Schoen, Prisoner's Counsel. How long was this woman there?—Half an hour.

HENRY

HENRY MILLER *sworn.*

I am Lord Clanbrassil's footman; I saw the prisoner on the 13th of June, about half after nine; she asked if Mr. Asplin was within; I told her yes; I went down to call him; the dining-parlour is on the left side, next the street door; it was open; I let her in again about half after twelve, on Monday; she asked if my Lady was within, and said a person of the name of Graham came for an answer to a petition; I said I would go and let her know; she was in her dressing-room; I went to tell her; and Lady Clanbrassil said she had written to Lady Hillsborough to inquire her character, and Lady Hillsborough sent answer she knew little of her, and she sent her down half-a-crown; I brought it down; I told her Mr. Asplin would be in at three; I am sure that person is the woman; I suppose it might be nine or ten minutes, or not so much, while I went up stairs.

What is his Lordship's name?—

Mr. Schoen. I know his name is James Hamilton; I have seen it in his arms, and his books; he signs Clanbrassil; I have seen it in the Court Kalendar.

You never saw him write it so?—He signs his letters Clanbrassil; I have seen it in his own coat of arms that he has in iron, and a plan of his estates that I have seen; James Hamilton, Earl of Clanbrassil, Viscount Limerick.

JAMES ASPLIN *sworn.*

I am valet to Lord Clanbrassil; I have seen the prisoner two or three times; on Tuesday she came; she related a very melancholy tale of herself; I told her I was excessively sorry; but, if she would call in the middle of the day, her Ladyship would relieve her.

WILLIAM SHIPLEY *sworn.*

I live in Piccadilly; I am a silversmith: she came into my shop about five in the evening, and offered to sell these spoons, on the 14th of June, Whitfun Tuesday; I asked her what she asked for them; says she, weigh them, and you will know better

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what to give me; I asked her what name this was upon them; she said, I do not know, there is no name that I know of; says I, here is some person's crest, is it yours; where did you get these spoons; says she, it is of no consequence to you where I got them; if you do not like to buy them, give them to me again: at last, with a deal to do, she told me that she got them from the Marchioness of Buckingham; that she was a distant relation to her Ladyship, and received them as presents from her; I kept the spoons; nothing particular happened; then I asked her where she lived, and she gave me a right direction where she lived, in Little St. James's-street; I asked her if she had any objection to my going with her to her lodgings; she said she had not; I said I would go with her, instead of which, I went out at the back door, and went to the place where she said she lodged, and inquired and found she did live there; and about six or seven days after, I found out to whom those spoons belonged; I went to the Earl of Clanbrassil's house with the spoons, and shewed them to the servant that opened the door.

BOYER *sworn.*

I saw the spoons when the last witness brought them; it is Lord Clanbrassil's crest and coronet; I missed five on Tuesday the 14th, between two and three; I was going to lay the cloth.

Prisoner. I do not know what to say.

GUILTY.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

Court. Prisoner, there is an objection that appears on the face of your indictment, which does not affect the merits of your case; but, however slight it may be, you ought to have, and you shall have, the benefit of it; therefore no sentence must be passed upon you till the next session, and then you will know the opinion of the Judges.

D 306. OWEN

306. OWEN M'CARTHY was indicted for stealing, on the 13th of July, a feather-bed, value 5s. one pillow, value 12d. two blankets, value 2s. and a pair of linen trowsers, value 12d. the property of Andrew Wilson.

ANDREW WILSON *sworn*.

I am a Dane; I am a sailor; I lost the things in the indictment, last Wednesday week, from a house, Mr. Westerlin's, where I lodged; it was my own bed and bedding; I saw them there when I went out, between eleven and twelve; they sent for me, and the man was taken; I carried them between ten and eleven, and put them in the back-room of the ground floor.

JANE FULLER *sworn*.

I was in my own house; the prisoner took the bag from out of the window; the prisoner was outside; the back of the house looks into Russell's Buildings: I asked him if that bag was his; he said, yes, it was; I said, are you sure it is; he said, yes; I sent over my daughter to ask, and they took him.

THOMAS LEADER *sworn*.

I took the prisoner, the bottom of Russell's Buildings; he had this bag.

(The blankets deposed to, two being sewed together.)

Prosecutor. I know this old sea jacket.

PRISONER'S DEFENCE.

I had been working a ship out; a man met with me in the street, in a sailor's dress, and he asked me to carry that for him, for he was afraid of the press-gang; these people followed me, and said I had stole it; all the neighbours cried out, shame!

Fuller. I am sure that the prisoner was the man I saw taking the things out of the window.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

307. WILLIAM BLEWETT was indicted for stealing, on the 18th of June last, one mare, price 4l. the property of John Redford.

JOHN REDFORD *sworn*.

I am a farmer: on Friday the 17th, or the morning of the 18th of June, I lost a mare, in the night, from a field near the nine-mile stone, near Southall; I had seen her between seven and eight o'clock on Friday evening; I saw her again at Norwood, about fourteen miles from my field, on Wednesday the 22d, about two o'clock, in a miller's yard; she was brought home by a postman that night; the prisoner was a stranger.

JOHN BALDWIN *sworn*.

I am a servant to a farmer; I work for Mr. Stone, Pinner's-park; I bought this mare on the 19th, about nine o'clock in the morning, on a Sunday, at Norwood, going along the road, of William Blewett, a gipsy; I gave four guineas for her to the gipsy; he told me he had swapped her with a man at Marlow, and there was no danger of its being stolen; John Redford came on the Wednesday following, and took her away: I kept the mare at some little meadows, with an acquaintance, where I lodged, his name is Scott, he is here present; a miller took the mare away, and they sent for me, and I met them at Pinner, and the mare was in Pinner park; I worked at Pinner; I left the mare at the meadows in the morning, at Norwood; Mr. Redford owned her as his mare, and I gave it up to him, and he sent the mare home by the postman; I and Redford went after the prisoner, and found him under a hedge, between Radcliff and Uxtree; he laid down; and I went up to him, and told him a man had owned the mare, and he must go with us; Mr. Armstrong was with me; he said he would with all his heart; he said he would give an account where he swapped another for it; I had him up to Uxtree, and from thence to the justice's, and he was committed.

(Mr.

(Mr. Redford describes the mare: a blaze in her face, one white foot behind, about fourteen hands high, a bay blind mare; she was six years old, worth about four or five pounds; she had a broken knee, a sort of a nag-tail, crossed leg behind.)

Court to Baldwin. What was this miller? —He was a man that took the mare out of the meadow for the sake of the guinea reward.

— ARMSTRONG *sworn.*

I am a baker: I met this man with the mare on Saturday morning the 18th of June, between seven and eight, and he offered me this mare to sell for six guineas and a half; it was about four miles from where she was stolen; I looked at the mare, and I saw she was blind; he said she was not, she had only got a ball eye; I told him I thought he did not come by her honestly, and he pulled out a paper out of his pocket, that he had swapped a horse for this mare, on the 1st of May, at the Crown, at Great-Marlow; he asked me when I should be home; I told him I should not be home before eight o'clock; and I told him I had a mare, and I would make a rap with him; I am sure the mare he had is the prosecutor's mare; I saw the miller give him the mare: when he brought the mare up on the Saturday night, I refused her, and he went off with her to Pinner.

PRISONER'S DEFENCE.

I swapped this mare with a man at Marlow: if I had stolen it, I would not have laid about the place.

Jury to Prosecutor. How long have you had this mare?—Since the 17th of last May was a twelvemonth.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. RECORDER.

308. JOHN PARKER was indicted for stealing, on the 16th of June, two silver

table-spoons, value 2l. and other things, the property of Cecilia Gordon.

CECILIA GORDON *sworn.*

On the 16th of June I lost the things in the indictment; the maid-servant saw the boy running out of the garden, and I saw him throw the plate from him; he might then be about a hundred yards from me; he ran from me, but he never was out of my sight till he was taken; I saw him taken.

ANN AIRS *sworn.*

I saw the boy go out of the garden-gate, I did not see him come into the house; I seeing him run, asked the man-servant if any boy had been in; he said, no; I directly went into the parlour, and missed the plate; I saw him drop the plate; it has been in my possession ever since. (*Produced, and deposed to.*) The boy was never out of my sight till he was taken.

GUILTY.

Privately whipped, and discharged.

Tried by the second Middlesex Jury before Mr. Justice WILSON.

309. THOMAS MORGAN was indicted for stealing, on the 14th of June, two cloth coats, value 4s. two linen shirts, value 4s. and other things, the property of William Bowell.

Mrs. BOWELL *sworn.*

I am the wife of William Bowell: on the 13th of June, Thomas Morgan came and took lodgings; when his week was up, he did not pay me; on the Tuesday after his week was up, I went to speak to him about it; I told him; he said he would call; he went out, and about five o'clock in the afternoon I went up and found Mr. Mackintosh's trunk broke open; he had been a lodger, and had gone away, and left his property in my custody: at two o'clock the prisoner came and knocked at the door, and I let him in; he went to bed; and at three

three o'clock, when the watchman came, I called him, and we went up and took him; the coat he had on, when I let him in, was Mr. Mackintosh's; we found some duplicates in his pocket, which led us to a pawnbroker's.

WILLIAM NORRIS *sworn.*

I am a pawnbroker : I received a pair of nankeen breeches, and a half handkerchief ; I believe I took them of the prisoner.

JOSEPH WHITEMAN *sworn.*

I produce the duplicates found upon the prisoner.

PRISONER'S DEFENCE.

I bought these things of a young man that lodged at the place before me.

Court to Mrs. Bowell. When had you last seen the things?—I had seen the coat about eleven o'clock that day.

GUILTY. (Aged 25.)

Fined 1s. and imprisoned one month.

*Tried by the second Middlesex Jury before
Mr. Justice BULLER.*

MISDEMEANORS.

310. **J**OHAN COOPER was indicted for that he, on the 17th day of April last, at the parish of Kirkford, in the county of Suffex, on John Andrews, an officer of our Lord the King in his Majesty's excise, and on shore, in the execution of his duty, as such officer, unlawfully and violently did make an assault, and unlawfully and violently did oppose and assault him, on shore, in the due execution of his duty, against the statute, and against the King's peace.

A second Count, for that he, on the same day, unlawfully and forcibly did hinder, oppose, and obstruct the same person in the execution of his duty.

The indictment opened by Mr. Garrow, and the Case by Mr. Fielding, as follows :

May it please your Lordship : Gentlemen of the Jury ; the charge which is now brought forward against the prisoner at the bar, my learned friend has stated to you to be that of having obstructed an excise officer in the execution of his duty. When I look at Gentlemen of your appearance, I am convinced it cannot be necessary to enlarge on the necessity there is of executing those laws which are made for the preservation of those people concerned in the collection of the revenue : indeed, at this time of day,

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wherever we turn our eyes, and attend to that information we receive daily, we have great reason to be content with the happy constitution and government of this country, and with the administration of its laws, as that administration takes place in this country ; but, Gentlemen, there could be no support of the constitution, there could be no support of the government, if, after the establishment of taxes, which we all know are necessary to be imposed, when those taxes are imposed, there must be people employed to collect them, and that those officers require protection. It is unnecessary for me to enlarge on this ; you will at once feel it : Gentlemen, no prosecutions of this sort, and indeed no prosecutions instituted by any of the public boards, ever can come before a jury without the approbation of the crown officer ; the Attorney-General is immediately consulted ; he judges of the propriety of submitting that complaint before a jury, before any such complaint can be submitted ; and I believe I may say it is known to the learned Judge, and many others, that there has not been any one person ever prosecuted by him, but on the strictest necessity, and even then with the utmost lenity. The conduct he would have prescribed to himself I shall endeavour

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to follow, it devolving upon me to discharge his duty; and at present I think it my duty especially to follow that plan, not at all to inflame your minds on any accusation that shall come before you, but rather to require you deliberately to examine the evidence, and if upon that evidence there should be any doubt, he will be best satisfied, the public will be best satisfied, and you will be best satisfied, in giving a prisoner at that time the advantage of that doubt. In the present instance, the witnesses you have to hear will not be many: the state of the case is this; on the 17th of April, 1790, John Andrews, being on his duty, and surveying some of the people in his neighbourhood, he observed the prisoner at the bar, in company with three others, all on horseback, and their horses loaded with tubs, as they call them; they are the little tubs in which they smuggle brandy; one of the parties were leading horses, and these horses were loaded with tubs; Andrews, as his duty was, went to the foremost man, and attempted to take hold of that foremost horse; when the prisoner, and two other persons not in custody, came towards him, and made use of the most opprobrious language; not contented with that, they immediately struck him with a large weapon, and which might by possibility have subjected them to a higher indictment: they then meditated more severe usage to him; but, recovering immediately from his blow, he crept through a hedge, and endeavoured to make his escape through a garden; the prisoner and another, on horseback, leaped the hedge, and pursued him; there was a little cottage near there, into which Mr. Andrews luckily escaped; if not, probably it was, from the pursuit that was made by these men, that they would have gone on to some greater violence that might have hazarded this man's life: therefore, gentlemen, you see it is for this offence, which as soon as communicated to the commissioners, which was the duty of Andrews to do, they put it into a state of inquiry: Andrews was examined; the nature of his character, and the usage he had received, called for a public inquiry, it

called for public punishment; the evidence therefore can only be, as to the main fact, from Andrews himself: now, gentlemen, it happens with us in this country, that as we are satisfied with the testimony of one man, so it frequently will happen, that that testimony, if aided by the corroborating testimony of three or four others, is sufficiently convincing; and if the evidence you shall receive from one man, namely, Andrews, when aided by the conduct of the man himself, his demeanour and behaviour; and if that man, so standing before you, and so demeaning himself, appears to deserve your credit, you will give the same credit to one as you would give to the testimony of four; particularly when there can be but one witness, you will think it your duty to attend to those circumstances from whence your opinion of him is to be founded; and it is my desire, that if, from any thing about the man, you see there is any thing suspicious, or doubt that his story is not founded in truth, of course you will immediately discharge your duty by rejecting such testimony altogether: on the contrary, if his behaviour be such as to demand your credit properly, you will be as much satisfied with that evidence coming from a single witness, as if from more: but on the present occasion there will be a corroboration of the testimony of Andrews, namely, the testimony of a woman to whose house he luckily escaped, and who was witness of his treatment; she will tell you the situation of this Cooper being with his people, but she will not affect at all to identify the persons of these prisoners.

Gentlemen, this offence was committed in Sussex, but it is tried here; it so happens that, from the operation of a very beneficial act of parliament, and which was found to be essentially necessary in the revenue laws, that many offences committed and prosecuted in those counties where smuggling was carried on, it was found over and over again, that prosecutions instituted, properly supported by the most indubitable testimony, yet there was unaccountable partiality, and conviction was almost impossible; therefore

therefore it was that the legislature thought fit, on proper inquiry, that the proper officers should have it in their power to bring the trial on in another county; no man will be dissatisfied, when they consider all these prosecutions are generally brought in this Court, where I may say, without any flattery to you, gentlemen, I always see the most respectable jury that this country can afford, so far that prisoners have the benefit of it: there is a little inconvenience now and then attending persons being brought up from far counties to make their defence here, as they cannot so readily come at their witnesses that may be necessary for their defence; it is far to bring them; and therefore, in cases where there may by possibility be evidence that would resist the accusation, I do acknowledge that observation should have its full weight with the jury; but in the present case, according to the circumstances I am stating to you, it is impossible, in the nature of things, if you believe Andrews, that there could be any witness on the present occasion that would not be equally offenders with the prisoner; therefore, on the present occasion, that observation does not apply with him; for, however I have already stated to you the nature of this offence, I have already stated to you the necessity there is of protecting the officers of the revenue; to gentlemen of your description it is impertinent to make any comment on that; the officer must be protected, the taxes must be collected, and these laws are alone made for the protection of those gentlemen who are fair traders; for certain it is, that smuggling very much indeed interrupts that class of traders. Gentlemen, there is another circumstance, which always will lead a jury with considerable satisfaction to the discharge of their duty on an accusation of this sort; if they are satisfied with the evidence before them that the accused is guilty, I think they will in general be satisfied with their verdict of Guilty, inasmuch as the example of punishment will certainly promise a very considerable public advantage, not only to the revenue, not only to the officers, not only

to the fair trader, but to that very class of men that are induced to that sort of traffic which is called smuggling: certain it is, that, by means of the efficacy of the law, of late years that class of men have been very considerably diminished, and in proportion labour and agriculture considerably increased, so that their families enjoy the benefit of these salutary provisions. Gentlemen, I will not trouble you any more on a case like the present; you will hear Andrews; if you are satisfied with his evidence, although but one witness, you will with equal satisfaction say the prisoner is Guilty; if you are dissatisfied, either with his story, or appearance, or any thing in the world, of course you will reject his testimony, and acquit the prisoner.

JOHN ANDREWS *sworn*.

I am an officer of the excise, and was so on the 17th of April, 1790.

Was you stationed at Storrington, in the county of Sussex?—Yes.

Was you out on your survey that day?—I was.

Did you fall in with any smugglers?—I fell in with some smugglers, that is, four men, having in their possession seven horses, all loaded with tubs, small casks, that contain about four gallons.

What do you call them?—Half anchors.

Were they slung?—They were slung in the same manner as smugglers usually carry them, and thrown across their horses. The men were all on horseback, they were leading the other horses.

Did you know any of them?—I knew three of them.

Look at the man at the bar, was he one of them?—He was one of them.

Did you know him before?—I knew him before.

Are you perfectly sure he was one of them?—Perfectly sure.

You have no doubt?—Not the least; I was crossing a lane, and I saw these four men coming up, having seven horses, and the first man was leading two horses, and I attempted to seize these horses, to stop them; he kept going on the lane, and I found I could

could not secure them; then the prisoner at the bar and the other men came up, swearing in a terrible manner, with oaths and imprecations, they seemed determined they would murder me. William Milton, the master of the gang, then calls out to them, d—n his eyes level him, give it him, level him, several times; he then struck me with the head of his whip; then the prisoner and Milton came up, and struck me several blows with their bludgeons, they had each a bludgeon; I attempted to keep off the blows with my stick, but however they presently knocked me down, and cut a very large wound in my head, and beat me very much in different parts of my back and body as I was down, I received many blows after I was down, but I do not know who gave them me; as soon as I could recover myself a little, I got over into a field, and from thence into a garden, cross that garden into another field. I looked back, saw the prisoner, and Milton, coming after me, full speed on their horses; I had just time to reach the fence; they were threatening and swearing terribly at me; at the same time I got over the fence, and they came up to the fence, and there they swore very much indeed, and swore they would give it to me the very next opportunity.

How often before this had you seen the prisoner?—I had seen him many times, the very Saturday before I met him at Milton's, loaded with tubs; I attempted to take him then; I know him to be Milton's servant, I have seen him ride Milton's horse many a time.

Did the prisoner live within your survey?—I did not survey that place that he lived at, I knew him perfectly well.

What were you purposing to do at the time these people attacked you?—I intended to have taken some of these goods.

Was you therefore hindered from that intention by their attack?—I was, it was my sole object to seize them.

Whose house did you get to?—To a place they call Black-house.

What is the woman's name?—Mrs. Wild.

Mr. Knapp, prisoner's Counsel. Andrews, was there any other officer with you at this time?—No officer.

How many might there be of the number of smugglers?—Four.

You said there were seven horses and four men?—Yes.

They took no notice of you first?—No.

Mr. Garraw. They did not begin to attack you till you began to do your business as a revenue officer?—No.

Court. What time of day was this?—I am not sure to the exact time, but I think it was between four and five in the afternoon, it was the 17th of April.

Perfectly light, and every thing?—Yes, as light as it is now.

You say you knew this man before?—I did.

How was he dressed?—I think he was dressed in a black round frock, and a round hat.

The usual dress of these people?—Yes, as to his person I am satisfied.

You was not alarmed when this man first came up to you?—No, I was not alarmed.

How many minutes was it after Milton came up to you first that he was followed by the other two men?—It was not Milton that came up first, it was a man whose name I never could find out.

That man you do not know?—That man I do not know. This man came up within a minute or less.

Had you been struck by the first man?—I had not, he gave me no abusive language. After Milton called out d—n his eyes, level him, give it him, then they struck me with their whips.

Where is Milton?—He is not yet taken.

Do you know whether the prisoner struck you?—I be not sure it was him who knocked me down.

Are you sure that he struck you?—Yes, I am sure that one of them struck me down, I be not sure whether it was the prisoner or Milton, I am not sure that the prisoner struck me.

Are you sure that the prisoner struck you at all?—Yes, I am sure that the prisoner struck

struck me on the arm and head; I am sure of that.

MARY WILDS *sworn*.

I am wife of James Wilds, I live at Black-house, in the parish of Kirkford.

Do you remember the time when Mr. Andrews, the officer, came to your house?—About a twelvemonth ago.

Do you remember his coming?—Some man, I cannot say who.

Look at him?—I cannot be sure.

Do you remember a man coming there all over blood?—A man came there bloody.

Was he in a bad condition?—Pretty much.

Did you see any people on horseback when he came to your house?—Yes.

Did you know them?—No, Sir, never a one of them.

Look at the man at the bar, do you know him?—I do not know him.

Did you ever see that man before?—No, Sir, not that I know of.

What is your husband?—He lives in Sussex.

Yes, yes, at the Black-house?—Yes.

So I thought, look at that man.—I am sure I do not know one feature of his face.

Did you see any body after the man came bloody to your house, did you see any body on horseback come up?—Yes, two men rode through the gates, they went after that man.

They went after the bloody man, did they?—Yes.

What did these two people, or either of them, say to the man who came bloody?—I do not know what they said.

The man was very bloody however?—Yes.

You got him some water, and dressed his wounds for him; did you know Mr. Milton?—No.

Yes, you do?—No, I do not.

Mr. Knapp, Prisoner's Counsel. Gentlemen of the jury, it falls to my lot on this occasion to defend the present prisoner at your bar; and, gentlemen, it happens very

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unfortunately indeed for the prisoner at the bar, that he has such very poor assistance, but as he has called for that assistance, he is entitled to the best exertions I can give him on this occasion. With respect to the general principles that Mr. Fielding, the Counsel for the Crown, has laid down in the beginning of his speech, I perfectly coincide with every one of them; I agree that if taxes are imposed the collectors ought to be protected; I also perfectly coincide with him in the character which he has thought proper to point out of our present worthy Attorney General; I am sure that I can agree with him to the full extent of that description; I am perfectly convinced, and very ready to declare, that a more honourable man in the situation which he now fills, never was placed in that situation. But having got rid of that, we are again necessarily driven to the question which you are to decide, and the question that my learned friend, Mr. Fielding, stated to you certainly does lay in a very small compass indeed; and, gentlemen, the real question on this record is, whether the prisoner was one of those who assaulted, hindered, opposed and obstructed Mr. Andrews, who states himself to be a collector of excise, in the execution of his duty, and while he was in that execution? Now, gentlemen, in order for you to judge on this case, it will be necessary to advert to the evidence, as I think Andrews has stated to you, and I am under the correction of his Lordship if I am wrong, that he does not recollect which of the persons, either Cooper or whether the other person knocked him down, certainly I am right, though corrected by Mr. Garrow; he did not knock him down. Now we will see whether I am correct and right; that he did not strike him at all, I believe, I am in the recollection of every body that hears me; that when he was first asked he did say he did not know that the prisoner ever struck him; but when he was pressed a little, he does say he was the person that struck him several blows on the arm and head; so that by the exertion of that ingenuity, which you have often had opportunities

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nities to admire, he is brought to say at last that he did strike him; it would be very material for them to have produced this woman, if she could possibly have identified the person brought to her to be Andrews; instead of that in the way in which Andrews himself stated it first, and then altered his tone; and when you come to the woman, who says she does not know a single feature in Andrews's face; will you presume against the defendant, who comes here upon his own surrender, that which neither of the witnesses have dared to state; this is the single question you have to try, under circumstances that certainly on their own testimony have made it doubtful; but thank God it is for you to decide, and not for any one individual in this Court. My learned friend, Mr. Fielding, has alluded to the inconvenience of being tried here; at the same time he talks of the very great benefits to be derived from this act of parliament. Mr. Fielding certainly on this occasion blows a little hot and cold; it is necessary for the justice of the country that the act of parliament should protect the officers in the collection of the revenues; it is necessary that the trial should be had where they shall have a fair and impartial one; but surely it is of equal service to individuals that they should have opportunity, poor and destitute as they are, particularly in these countries bordering on the sea, that they might have the means of procuring some witnesses, and in order to speak in their behalf farther, they might have witnesses if the act of parliament had given them means; and I am sure you will presume it so to have stated some facts which might have been necessary to have led you to the discussion of the present subject; instead of that, here is a man brought, at a very great distance indeed, poor, without a farthing, save what his miserable friends have been able to pay his Solicitor and Advocate on this occasion; he has not a farthing for witnesses. Where are his benefits? I cannot conceive how they accrue to him; therefore I say when you have a doubtful case before you, when the prosecutor has contradicted himself, at least

mended his evidence; and God forbid you should encourage witnesses to mend their cases; when you have a woman coming before you, whom they mean to prove a fact, which, if it had been proved, certainly would have been a great corroboration of the prosecutor himself; instead of that she comes here, and says she does not know a single feature in his face; for God's sake take into consideration the situation of the defendant, that how little able he is to make that defence, feeling the common feelings of humanity, you must presume that he might have had witnesses to have proved his case, which would have left no doubt. Gentlemen, I shall set down with a perfect confidence on this subject, knowing, as I do, that you have given perfect attention to this case, as you do to every other case; and knowing, as I do, the prisoner will have every advantage from a compassionate jury he ought to have, and which, by the law of this country entrusted in your hands, he will receive.

The Jury retired for some time, and returned with a verdict

Guilty of the second count, of obstructing the officer in the execution of duty.

To be imprisoned twelve months in Newgate.

*Tried by the London Jury before
Mr. Justice BULLER.*

311. BRIDGET JUDGE and BRIDGET PRENDERGAST were indicted for that they, on the 25th of June last, one counterfeit shilling, as and for a good one, did utter to one George Copeland.

A second count for having in their possession another bad shilling, and uttering it to one William Cowan, on the same day, against the statute.

(The case opened by Mr. Fielding.)

JOHN STAPLETON sworn.

I am a constable, I was in company with Mr. March in Fleet-street, I observed the

two prisoners, I was in conversation with Mr. March ; I saw them part, I had a suspicion, and went after Judge, she went into Mr. Smith's, the haberdasher's ; I left Prendergast in Fetter-lane, I saw Judge stand by the side of the counter, I desired somebody would serve her, and Copeland served her ; he shewed me the shilling, and it was a bad one ; she then went out and joined the other, and went up Fetter-lane together. Judge went into a public-house and called for a glass of gin ; before I got in the shilling was tendered to the landlord ; I asked him to let me look at it, I saw it was a bad one, the landlord marked it ; I left her in custody of March, and followed Prendergast some time, and came up to her almost at the top of Fetter-lane, I asked her to come into a shop ; she attempted to put her hand in her pocket, and I prevented her and searched her, and found four six-pences and two shillings, all bad ; I took her to the other at the public-house, and searched her, she had only three halfpence, and a piece of dimity ; and I found a penny worth of thread on Judge, and nothing else ; there was just five penny worth of halfpence.

WILLIAM MARCH *sworn.*

I was in company with Stapleton, I staid at the door : I saw Judge when she came out of Smith's shop, Prendergast joined her, and they sat down on a step a few minutes, about three ; at their first going to Smith's I observed them changing something ; Prendergast had in her hand something, and gave it to Judge. (Confirmed the last witness.)

GEORGE COPELAND *sworn.*

I served Judge and took a bad shilling of her.

(The shilling deposed to.)

WILLIAM COLE *sworn.*

The publican, deposed that the prisoner Judge came to his house for a glass of gin, and offered him a bad shilling, as the first witness deposed.

(Deposed to.)

ALLAN DOMINE *sworn.*

I am a silversmith ; this is counterfeit : the four shillings and two six-pences that were found in the paper on Prendergast, are all counterfeits.

PRISONER JUDGE's DEFENCE.

I work hard.

PRISONER PRENDERGAST's DEFENCE.

I never saw this woman in my life.

The prisoner Prendergast called two witnesses to her character.

BRIDGET JUDGE,
BRIDGET PRENDERGAST, } **GUILTY.**

Court to Prisoners. I think it my duty to inform you both, that having been found guilty as common utterers, the next time you commit this offence, it is made felony, and from the frequent repetition of this offence against the public, it will be necessary to make examples of some of you. The sentence of the Court, which I am directed by law to pass on you is, that you be each of you,

Imprisoned twelve months in gaol, and give security for one year.

Tried by the London Jury before
Mr. COMMON SERJEANT.

The Trials being ended, the Court proceeded to pass Sentence as follows :

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plin, alias Chapman, alias Peter

Duvall, — — — 280

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Godfrey, Thomas — — — 269

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23, viz.

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Freeman, William — — — 286

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Latimer, Richard — — — 272

Matthews, Henry — — — 270

Matthews, Elizabeth — — — 295

To be imprisoned Twelve Months, 2, viz.

Hannah McCarthy, (fined 1s.) John
Cooper.

To be imprisoned Six months, 5, viz.

William Gray, (fined 1s.) Hopkin
Thomas, John Hickey, (fined 1s.) Jane
Acres, (fined 1s.) John Richey.

To be imprisoned One Month, 1, viz.

Thomas Morgan, (fined 1s.)

Trial of William Folkes postponed to next Session.

Trial of Henry Hall, for Bigamy, ditto.

Trial of ——— Simpson, ditto.

Sentence on Mary Graham respited.—Case reserved.

The next Sessions will begin on Wednesday, the 9th of September next.

THE
TRIALS AT LARGE
OF THE
CAPITAL and other CONVICTS,

ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middlesex*,

HELD AT
JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 14th of SEPTEMBER, 1791, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Honourable John Boydel,

LORD MAYOR OF THE CITY OF LONDON,

TAKEN IN SHORT-HAND BY

E. H O D G S O N,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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M D C C XCI.

[PRICE TWO SHILLINGS.]

T H E
TRIALS AT LARGE,
 OF THE
CAPITAL and other CONVICTS,
 ON THE
**KING's Commission of the Peace, Oyer and Terminer, and
 Gaol Delivery for the CITY of LONDON, &c.**

BEFORE the Right Honourable JOHN BOYDELL, LORD MAYOR of the City of London; the Honourable Sir HENRY GOULD, one of the Justices of His Majesty's Court of Common Pleas; the Honourable Sir NASH GROSE, one of the Justices of His Majesty's Court of King's Bench; Sir JOHN WILLIAM ROSE, Serjeant at Law, Reeorder of the said City; JOHN SILVESTER, Esq; Common Serjeant of the said City; and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

<i>London Jury.</i>	<i>First Middlesex Jury.</i>	<i>Second Middlesex Jury.</i>
Thomas Clarke	Francis Jones	John Dalby
John Brooke	Robert Faulder	John Calloway
Thomas Courtney	George Martin	John Allam
William Yates	Joshua Owen	Henry Turner
Philip Bern	Thomas Lyne	William Gattie
William Dean *	George Mitchell	Robert Fogg
William Knight	Francis Waters	Thomas Masters
John Beddle	William Wheatley	John Shippey
Henry Knock	Joseph Thurpp	Thomas Hill
David Sewell	Charles Chawler	John Taylor
Caleb Glanville	John Hurley	John Gildard
Martin James.	Edward Adams.	William Low.

* Thomas Boyle served the first day in the room of William Dean.

312. **G**EORGE DINGLER was indicted for that he, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 16th of August last, in the parish of St. Margaret, Westminster, in and upon Jane his wife, in the peace of God and our lord the king then and there being, feloniously,

feloniously, wilfully, and of his malice aforethought, did make an assault, and her the said Jane then and there feloniously, wilfully, and of his malice aforethought, did strike and kick, and her to and against the floor of a back room did cast and throw, and her laying on the said floor, by means of the casting and throwing, with both his hands, knees, and feet, her the said Jane, in and upon the body of the said Jane, did violently strike, beat, kick, and press, giving her, by the said casting, and by the striking, beating, kicking, and pressing aforesaid, in and upon her head, stomach, and belly, divers mortal bruises, of which she languished from the 16th of August to the 28th of the said month, and languishing did live; on which said 28th of August, she the said Jane, of the mortal bruises aforesaid, did die; and so the jurors say, that he the said George her the said Jane feloniously, wilfully, and of his malice aforethought, did kill and murder.

He was also charged on the coroner's inquisition with the said murder.

(The witnesses examined apart.)

The case was opened by Mr. Fielding, as follows:

May it please your Lordship: Gentlemen of the Jury; you have collected already, from the indictment which has been read, that the crime imputed to the prisoner at the bar is that of the wilful murder of his wife: on the present occasion, very different feelings must be excited than what obtained on the last trial; for if the evidence be true in support of the present charge, it will exhibit to you a scene as shocking as ever attended the commission of the crime of murder: the circumstances are extremely short, and must necessarily be so, since the crime was committed when he, the prisoner at the bar, and his wife were alone in an apartment; however, we are able to lay before you some of those circumstances, as well from the examination of the woman taken before a magistrate, as from what she herself said to others on her death-bed: it

appears that the prisoner at the bar and the woman deceased, his wife, were married; I think, in the year 1790, early in that year; they did not live together long, having lived most unhappily indeed from the commencement of their marriage: at the end of six months they parted; but soon after their separation the prisoner at the bar solicited her, over and over again, to return to him; she resisted all those applications, till very lately, before the day when this fatal circumstance took place, she was, in consequence of a visit of his, persuaded to go to his house; he lived in a place called Strutton-Ground, in the parish of St. Margaret, Westminster, and there kept a pork-shop about twelve at noon; on the 16th of August, this woman went to the house; she had been in the shop but a very few minutes before there was an appearance about him that alarmed and frightened her much; a very little conversation took place, and it seems the conversation was of this kind; she intimated to him, the prisoner, that he was connected with some woman in that neighbourhood; he, on his part, immediately began a charge of recrimination; he said to her, that his son could attest that she had been seen in bed with several different men; soon after it was (indeed her account even to the magistrate and nurse who attended her on her dying bed does not go much further) he instantly took a knife that lay in the shop; she was considerably alarmed, and retreating from it, she ran into the parlour; he followed her, and instantly rushed upon her; he got her down on the floor, and made a stab at her with the knife, but meeting the resistance of her stays, the knife broke; he left her, and went into the shop a second time, and returned with another knife, indeed a most deadly instrument; the woman, then on the floor, was calling murder! nobody came to her on the instant, so that the savage had got her the second time, kneeling upon her, and stabbing her in several different places; she attempting to make all the resistance she could, putting her hands to the place where she received the wound,

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her hands of course became cut, as well as several other parts of her body : at length the cries of the woman drew the attention of the neighbours ; several people came round ; and it will be proved, that he was seen in such a situation, so using the knife ; and the immediate, the inevitable impression on your minds must be, that at that time he was in the perpetration of this murder ; at first some women were afraid to go in, but other people came ; then the man, alarmed from his savage purpose, he indeed had left off either stabbing or striking her ; the woman had got from the floor, and had got, somehow or other, this knife in her hand, rushing out of the parlour, and saying, that was the knife he had cut her with : one of the witnesses will tell you that she was driven to every sort of resort that a mind at such a time could enable her to lay hold off ; she called out, Dear George, dear George, do not kill me ! however, he went on in the completion of this purpose : when he was apprehended, the poor woman was sitting by him ; she was taken for medical application, and conducted to the Westminster infirmary ; the poor woman lived until the 28th ; the medical assistance that she met with indeed turned out so successful, as to all the wounds that had been given by the knife, that several of those wounds were actually healed within that time ; and the surgeons hardly attribute the cause of her death to any of those wounds ; but to the violent contusion in consequence of the bruises on one of her breasts, which will be more properly described by them, having a sort of connection with the lobe of the lungs, was the cause of her death. Having stated the outline of the evidence, and which will be supplied by testimony that will leave no doubt on your minds, that your attention will be especially called to the particular circumstances of this case ; Gentlemen, the crime of murder, in our law, must always have that constituent part, namely, a malice aforethought, and that malice must be either expressed, or implied from the circumstances of the case : whenever any human being

comes to death by the hand of another, that homicide must always be accounted for by the person accused, but, gentlemen, it sometimes happens, and the law indeed, always attentive to the nature of our being, admits, that circumstances may be of a kind to raise a sudden natural gust of passion where there has been no predetermined malice, nothing before harboured in the mind, and under the impulse of that passion a person even inflicting death on another, that by possibility may only amount to the crime of manslaughter ; but, gentlemen, in the present case, under the circumstances I am instructed to state to you, that it appears to me the present case will preclude the prisoner at the bar from all such considerations ; but if there should appear any cause, which I at present cannot think can appear ; but if there should appear a possibility for his accounting for this horrid transaction, by any thing that can furnish the least degree of excuse, you will hear that excuse with wonderful satisfaction, because it will be for the honour of human nature : if there be any thing on the part of this woman, any thing on the part of this woman's behaviour, any thing that could induce a natural provocation, and that sudden gust of passion not originating from any preconceived malice in his mind, not originating from any circumstance, you will readily attend to it ; on the contrary, if the behaviour at the time appears to be such as could not be called for by any provocation that the poor woman could have manifested, and therefore indicates a savage and brutal mind, there can be no doubt but that will come up to the crime of murder : Gentlemen, in common cases, between man and man, for indeed the distinction frequently occurs so as to be obvious, Judges always direct juries accordingly ; where a blow has been given, as from man to man, that may easily, naturally, properly (I may almost say), occasion a gust of passion, that may amount to manslaughter ; but, as between man and wife, nay, as between man and woman not with that connection, it appears to me that the distinction
of

of manslaughter can rarely ever arise where the crime has been attended with circumstances like those I have described to you: Gentlemen, on an occasion like the present, I should think myself extremely to blame, if I was to comment more on a case like the present: you shall hear the evidence; and I am sure, gentlemen, your determination will be as satisfactory to the Judge and Jury as any determination can possibly be.

ELIZABETH SPENCER *sworn.*

Mr. Fielding. Where do you live?—No. 14, Strutton-Ground, Westminster.

Do you live near the shop that was kept by the prisoner at the bar?—Next door to it.

He kept a pork-shop there?—Yes.

On the 16th of August, about noon, did you observe any thing that took place in the shop of the prisoner?—Yes.

Tell your own story, and let my Lord and these gentlemen hear you.—It was on a Tuesday, between the hours of twelve and one; I was sitting in our back parlour, and we heard a rumbling, and then something which fell with a considerable weight, which shook the room where I and Mrs. Gardner were; I was desired by her to go to the door; I went, and I saw many people standing round the door of the prisoner; I went into his house, and went half way up the passage from the street-door; the left hand is the shop; and I heard the cry of murder! very loudly, by a woman; I only heard it once; I went back to my own door, and Mrs. Gardner desired me to go a second time, and I met a woman who lodges in the house, I do not know her name; she took me by the left arm, and pushed me into the back parlour, where the prisoner was, and his wife; the fire-place was facing the door; the woman lay on the floor, on her right side, with her face towards the fire-place; the prisoner was kneeling on her left side with both his knees, between the arm-pit and hip; she was struggling, with both her arms up; she had no cap on, and he had hold of her neck-handkerchief with his left hand, and in his right he had something which appeared like a knife, striking

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at her with it; it appeared like a knife by the handle, I did not see the blade.

In what manner was he using his hand?—I saw him use his hands once like a back stroke towards her throat, as it appeared to me; then I put my hands together, and ran out.

ANN GATENBY *sworn.*

I live at No. 64, in Strutton-Ground; my kitchen is directly opposite to the prisoner's; I was there, and heard the screams of murder! I went up stairs, to hear where the cries came from, and I saw Mrs. Spencer come out with her hands up, and from what she said I went in and looked into the parlour; I saw Mrs. Dingler laying on her right side, and Mr. Dingler kneeling on her left side, on both his knees, having hold of her neck-handkerchief with his left hand very bloody, and the knife in the right hand; he seemed to me, by the motion he had under her neck, as if he was attempting to cut her throat; I called to him, with my hands clasped together, for God's sake, Mr. Dingler, do not kill your wife! for God's sake, Mr. Dingler, do not murder your wife! he looked round to me with a *sniggling* grin, but did not speak; I went out of the room, and saw Mrs. Dingler lay bleeding on the room; then I went away, and called for assistance; I did not go in the house any more: I saw Mrs. Dingler after this; I found assistance was coming, and I returned back to the door; Mrs. Dingler was coming to the door.

How long was this before the time you first left him?—Nearly about ten minutes; then, on returning, I saw Mrs. Dingler coming into the passage, with a knife in her right hand.

Where was Dingler at that time?—About a yard behind, or he was coming after her.

What did Mrs. Dingler say to you?—I came to the door, and I said, Dear me! what a distressed creature here is, murdered! and she held out the knife, and said this is the knife which I am murdered with.

Describe a little the situation of this poor woman when you met her in the passage.

B

—I saw

—I saw her in the passage, with a knife in her hand, covered with blood from the head to the foot; she had no cap on at all; she delivered me the knife, and said this is what I am murdered with.

When she said this to you, did Dingley say any thing to you?—He said nothing; he returned into the shop; he was coming after her, about a yard behind; he went into the shop, and looked through the glass of the shop-window at the people.

Court. That was when his wife was gone into the street?—Yes; she fixed her hands, and rested herself on the top of the step, in a very weak condition; and at last she sat on the step of the street-door: I went to the next door but one, and I was shewing it to the people what a weapon it was, and Mr. Barrow came up and desired me to let him look at it; he put it into his pocket, and ran away with it, and I never saw it till I saw it before the justice; the knife was very bloody.

Court. When he was kneeling on the deceased, can you describe what part of the body?—On the side.

Was it on the front, or the back?—It was on the front.

RICHARD BARROW *sworn.*

On the 16th of August did you receive any knife from Mrs. Gatenby?—Yes; (*produces a knife, a large pork-knife, all over blood;*) it was all over blood when I had it, wet at the time, handle and all.

Did you see any thing of the situation of the poor woman?—Not when she was in the house; I saw her from our window; the people sent for me; I went, and the man refused to let her in the house; I immediately told him I would not do any thing till she was admitted; then he said she might come in, he cared nothing about her; she was not let in; I desired she might be taken to the Westminster hospital; I took the knife from Mrs. Gatenby, and put it into my pocket; I went to the hospital, but the woman was not come; I waited till she did come.

Had you any further conversation with

him or with her?—I had with her, but not with him; I think it was on the Thursday night; I went to see how she did.

Mr. Garrow. This transaction took place on Tuesday?—Yes.

The conversation you are now about to relate was on the subsequent Thursday?—Yes, or on the Wednesday evening.

How long did the poor woman live after that?—I believe, twelve days.

You are a medical man yourself?—Yes.

At that time, when you had that conversation with her, do you imagine she was in danger of death?—At first it was impossible to tell.

But at that time were there hopes of recovery?—There were.

Did you communicate those hopes to the patient?—I did not.

But at that time you considered her not in a dying situation?—I did.

Mr. Garrow. Then you will not relate that conversation; Mr. Fielding agrees with me, that it being so long before her death, that it is not proper.

Did you continue to visit the woman occasionally till her death?—Till within four or five days of her death.

She had some very dangerous wounds?—There was one, the danger of which we could not at first ascertain; it was at the top of the breast bone; it appeared to be inflicted by a sharp, cutting instrument: there were several other wounds; one on her forehead, which appeared to be given by a stab, and two or three cuts on her face like chops.

After this had taken place was her head opened?—I believe it was not.

Therefore you cannot inform us whether there was any fracture of the skull?—No, I cannot; I fancy it was a very trivial wound.

You do not know the state of the brain?—No.

We all know very well a very small stab might occasion an exfoliation of the skull?—Not in this case; it did not appear so to me.

In general that is an effect very likely to be produced by such a case?—It may.

You

You have known, I dare say, instances in which a blow of the breast has produced that effect?—I never knew it.

In the case of a fracture you do not think there are hopes till the 16th day?—No.

This woman died on the 12th day?—Yes.

Injuries on the lungs are not in general so mortal as injuries on the brain?—That depends on circumstances.

So does every thing; but the brain is of the more delicate texture?—Undoubtedly it is.

Extravasion there does not easily get cured; a rupture of the vessels does not get easily cured?—It does not.

However, there was no opening of the head?—There was not.

From all these appearances, together with the degree of violence that has been described, do not you conceive those wounds, upon an irritable habit, a habit addicted to drinking, were the cause of her death?—No, Sir, I do not consider it from the wounds.

From what cause?—From blows, profuse, or both.

Was the body opened?—It was; I saw it.

WILLIAM DICKSON *sworn.*

I was going past the prisoner's house on the 16th of August; I run into the house after my dog, and I heard the woman call out, Oh, my dear George! do not do it: then I went into the passage, to the parlour door, and I saw the prisoner kneeling upon her, but his back was towards me, I cannot say on what part, and he was in one corner; he looked round when he saw me, and turned round and got off from her, and wiped his hands, which were bloody, on his apron; and she arose up, and took the knife from off the floor, and brought it to the door, and gave it to one of the witnesses; I saw no more.

WILLIAM ROGERS *sworn.*

I was coming past this house on the 16th of August, Tuesday; I was coming down Strutton-Ground; I saw a great concourse

of people at his door; two women came out, crying out, He is cutting her head off, Murder. I instantly made the best of my way for a constable. One Henderson said, he was a constable. I went in with him to take him; then Henderson said, he would have nothing to do with it. Then I went in again to take him. After that he took up a knife, and went backwards into a back room; then I followed him; I drew my sword; and Henderson and another gentleman followed me immediately, and we secured him.

Had he a knife in his hand at that time?—He had a knife in his hand, his steel round his waist, and a bottle in his pocket, which was taken out afterwards. I desired him not to attempt to do any thing to himself, but to surrender himself up; it would be better for him; the case might not be so bad as he expected. The phial was a small bottle in his breeches pocket; I do not know what it was. Henderson took the phial out of pocket.

JAMES HENDERSON *sworn.*

I am one of the patroll. I went with the serjeant to apprehend him. I took a phial from him, and gave it to John Taylor, the constable.

JOHN TAYLOR *sworn.*

I produce a bottle, which Mr. Henderson delivered to me, and a steel which he had by him.

(The bottle had laudanum.)

ROBERT ABINGTON, Esq. *sworn.*

I am a magistrate for Westminster.

Did you visit this poor creature in the hospital?—I did.

Did you take her examination on oath?—I did, on the 17th.

Mr. Garrow. My Lord, I object to that; I take it I need not state any objection to you. My learned friend does not offer this as the examination of a person deceased, under such imminent danger of immediate death as the law would justify in receiving

receiving without oath; this is an examination upon oath. I humbly submit, that the law is precisely the same, whether it be the examination of the person deceased, whose death is imputed to the person accused, or the examination of any other ordinary witness, who had known something of the transaction, who had died subsequent to that knowledge before the trial. I need not enlarge very much on the danger which would necessarily result from receiving such evidence, if a person in full health (for so I am inclined to state it) as this is, not under the pressure of appearing before a higher tribunal; it stands exactly as if Mr. Barrow, for instance, had gone before a magistrate, and there made an examination upon oath, either in the presence of the prisoner, or in his absence, without any cross examination; because you know it is the course of office of many magistrates, though certainly not very proper, to take just so much as is necessary for the conviction of the prisoner, reserving the rest for his defence on trial. Now, in order to put the argument more distinctly and plainly, taking this to be the deposition of any body else besides the woman deceased, and supposing Mr. Barrow had died since he was examined before Mr. Justice Abington, could his examination have been received as evidence? My Lord, if I am called upon to illustrate the mischiefs that must result from receiving this examination, to be sure the difficulty is not very considerable. It may and will happen, in consequence of death by duelling, for instance, that there is but one single witness; now suppose that witness goes before a magistrate, and there truly deposes that the party fell by my hands, that party who has given in his examination, and was the second, is dead before my trial can come on, and then, according to the argument, his examination not taken in my presence, and without the advantage of cross examination, taken behind my back, not containing all the circumstances that he knows, but containing just so much as shall justify my commitment, shall be heard against me; suppose

this same second to live till the trial, though he should depose on that trial that the deceased fell by my hands, yet suppose on the cross examination he deposed that the deceased assaulted me; that he called me to answer; that I was reluctant, and offered terms of reconciliation; and that I was obliged to discharge my pistol in my own defence; certainly, though I should be discharged, yet by this compendious mode of proceeding, supposing him to have died, I should stand at this bar accused by the testimony of a man who meant no wrong indeed, but who had disclosed so much as was necessary to criminate me. Only consider, my Lord, the situation in which I should stand; and permit me to ask, with great humility, whether this case does differ from that which I have been feebly representing? This woman might have recovered after the examination; the offence would have been a different offence; it is offered to you just as the examination in the case I have now stated; as the examination of a witness before a magistrate upon oath. As far as I have been able to tax my memory, I have not found one instance where such an examination has been received; and although my poor experience is so little, yet to be sure the knowledge and experience of your Lordships, particularly of one of the learned Judges on the bench, would furnish such precedents, if any there are; therefore, I submit that this evidence would be extremely dangerous, if received.

Mr. Fielding. This is not the examination of a prisoner, but the examination of the deceased. It is an examination upon oath.

Court. I have ruled against it.

Mr. Fielding. You attended at the hospital, Sir, when the poor woman was there?—I did, the next day after she was sent there.

You took her examination upon oath?—I did.

Have you that examination in writing?—I have. I took it myself; read it to her, signed it myself, and saw her mark it; which she did with great temper and great

great coolness. I recommended to her to be quiet and composed, and not to hurry herself, but to speak the whole truth.

Mr. Garrow. My Lord, I beg pardon, this objection came by surprise; but there is certainly an authority of very considerable weight expressly in point, to shew that this examination under the circumstances cannot be read. I beg pardon for it; the answer to my objection, as it is understood at present, is, that the statute has authorized the magistrates to take the examination of the prisoner, and of the witnesses, to return them to the Court of Gaol Delivery; and if the witnesses should die in the mean time, these depositions should be read. Statute, the 2d and 3d of Philip and Mary, chap. 32, that applies to this question.

The consequence of the law is, that if an examination has been taken pursuant to the directions of this statute, and certified here, that then, if occasion requires, and if the case is let in by the death of the party, it may be read; but I insist that this examination is not taken pursuant to the statute; that it is not one of those provided by the statute, which I shall prove, first, by the language of the statute, and then by the circumstances of the case. The statute says, "That every Justice or Justices, before whom any person shall be brought for manslaughter, or felony, or suspicion thereof, shall take the information of those persons, and of the prisoner, of the fact and circumstances thereof, and as much thereof as shall be material to prove the felony shall be put into writing within two days, and returned to the sessions." The language of the statute is, that the Justice has nothing to do but with a man coming before him to be committed. This is an examination which Mr. Justice Abington certainly took, from very honourable and proper motives, from the deceased; but it was not in the course of a judicial examination; the prisoner was not present; the prisoner was not on his defence; and though I admit that there is no magic in a Justice's of-

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fice, and though I admit that he might have held examination in the hospital, acting strictly in pursuance of the statute of Philip and Mary, that he might have thus brought the prisoner before him, and then I agree that this examination might have been read. I take the liberty of telling your Lordship, that this case has been very fully considered indeed in the year 1789, in this place. When I mention to you the authority of the Lord Chief Baron, who was the trying Judge, assisted by Mr. Justice Ashurst and Mr. Serjeant Adair, I shall have instant credit for the case being fully considered. It was a murder of a wife by a husband, of the most atrocious nature; it was a case as atrocious as that which is opened against the present defendant; more, certainly, it cannot be. He had invited his wife to go out in the fields, manifestly for the purpose of murder. A magistrate, of the name of Read, attended this poor woman in the poor-house; he found her a baptised mulatto, in a state of perfect recollection; he told her he was a magistrate come to take her examination. He admonished her to speak the truth; and as she appeared sensible of the importance and danger of falsehood, he administered an oath to her. He took her examination, read it over to her, and gave it to her to sign; she made her mark, and it was read in evidence. The Lord Chief Baron, in summing up the case, for there was no objection taken at the bar to receiving this in evidence, but after it had been read the learned Judges themselves upon consideration were of opinion that it ought not to have been received. It went to the Jury, but it went expressly, and in a marked manner, as an examination taken *in extremis*, when the poor creature considered herself near her end. The Judge laboriously stated to the Jury, that under all those circumstances it could not be received, in the only way in which the present examination is contended to be received. The Lord Chief Baron says thus: "If I was satisfied that the case was quite full, without this circumstance of her confession, I

C

"would

" would not state these circumstances to
 " you at all, as I would not wish that they
 " should make any part of the considera-
 " tion now before you, because they come
 " under some difficulties. Great as this,
 " and every crime of this nature must al-
 " ways appear to be, the conviction must
 " proceed on grounds of legal evidence ;
 " and ordinarily legal evidence consists in
 " the deposition of witnesses, taken on
 " oath, before the jury, administered in the
 " face of the Court where the prisoner is
 " tried ; and that evidence comes down to
 " the jury, under all the advantages which
 " examination and cross-examination can
 " give. There has been admitted beyond
 " that kind of evidence, two other species
 " of evidence ; one is the declaration of
 " the dying person, who has been mur-
 " dered ; and that has been admitted un-
 " der certain circumstances, to stand in the
 " place of evidence given before a jury on
 " oath. Another species of evidence has
 " been, that of examinations taken before a
 " Justice of Peace, having, under a parti-
 " cular act of parliament, a justification to
 " take such examinations ; and being call-
 " ed upon to send such examinations after-
 " wards to the Court of Gaol Delivery,
 " where, if by accident, the party should
 " die before the trial of the prisoner, it
 " should be of necessity substituted in his
 " room." Here he comes to that which, I
 " humbly apprehend, rules the present case.
 " A doubt has arisen among us, to which
 " doubt I subscribe, which is, whether the
 " examination taken by Mr. Read, is an
 " examination of that nature ; for the exa-
 " minations directed to be taken by act of
 " parliament, are examinations taken where
 " persons are in custody, and when the jus-
 " tice hears the examination of witnesses
 " against persons in custody, upon which
 " examination he is to do his duty, either
 " to commit, or to bail : such examinations
 " are allowed to be read after the death of
 " the party. It was a very proper and
 " prudent act of the Justice ; but it was a
 " voluntary act of him, at the request of
 " the overseer. Now that voluntary exa-

" mination is like every other, not taken
 " before the jury who tried the prisoner,
 " and therefore not properly to be received
 " as an examination on oath ; but though
 " we must strip it of that sort of sanction,
 " yet still it is the declaration of the party ;
 " signed by herself ; and you may class it
 " with all those other declarations which
 " this woman made after she was found,
 " and before she died. Now, with respect
 " to that, the general rule by which these
 " declarations is made evidence is this, they
 " are declarations made *in extremis*, when
 " the party is considered as at the point of
 " death, no hopes for this world, with
 " every obligation upon them therefore to
 " speak truth ; and that situation being
 " considered as so solemn and so awful, as
 " to create an equal obligation to that of a
 " positive oath, judicially administered."

My Lord, if one could trust one's self to
 say a word after this, it would be, that his
 authority grows out of the statute of Philip
 and Mary ; it is commensurate with the
 terms of it, therefore it is utterly impossible,
 that unless the prisoner is present, as it
 seems on the authority and language of the
 statute, aided by this late case, your Lord-
 ship will be of opinion this examination
 cannot be read.

Mr. Fielding to Mr. Abington. I un-
 derstand you did not send for the man to be
 examined again ?—No.

Did you commit on the examination ?—
 After I had committed him once, I sent for
 him again, that he might have all the ad-
 vantage he could make of it.

Mr. Garraw. Had he the advantage of
 suggesting the questions to the woman ?—
 No, he had not.

Mr. Fielding. If your Lordship tells
 me, that you subscribe to the opinion as de-
 livered in the case cited by Mr. Garraw, I
 confess it struck me at first as an objection
 not at all tenable on any possible ground ;
 I should have argued it, setting the act of
 parliament out of our view ; I should have
 bottomed myself in that first principle ; I
 have reduced all my reasoning within the
 compass of that principle, that the best evi-
 dence

dance is required that the nature of the case will afford.

(The examination not allowed to be read.)

JOHN SCOTT *sworn*.

I am house-surgeon to the Westminster Infirmary. On the 16th day of August this poor woman was brought to the Infirmary between twelve and one; she was wounded in different parts of her body; her face wounded superficially in five or six different places; her hands wounded also superficially in four or five places; there was a deep gash on the upper and interior part of her chest on her breast; it appeared to have been made by some cutting instrument.

Were there any other wounds that appeared to have been made by a cutting instrument?—All of them.

Were any of these wounds, according to their first appearance, dangerous in your opinion?—That on the breast-bone might be dangerous.

What did you order to this poor woman when she was taken under your care?—The wounds were dressed. She complained of a pain in her right breast.

From her complaint, and your inspection of the part, could you or could you not determine that there was any danger from that pain?—There were appearances the next day of discolouration of the skin.

Were there any appearances of danger from that?—Yes.

I apprehend you dressed her wounds as soon as you could?—Yes.

The second day, then, from the discolouration of the skin, and the complaint you had heard the day before, you conceived there was danger as well from that as from the wound in the breast?—Yes.

Did any other appearance arise from the course of the second day?—No, Sir, that pain began to increase, and she had difficulty of breathing. I am not able to speak any further, as she was taken under the care of the physicians the second day. I am not very sure whether she complained of

this pain in her right breast on the first day, but she did the second.

Did her wounds heal and get better?—They were nearly healed when she died.

How long did the woman live?—Twelve days, I think.

On the twelfth day she died?—Yes, she did.

Was the body opened after the death?—It was.

Could you, before the opening of the body, determine to what cause that death was attributed?—No.

Did you see the body open?—I did, by the direction of Mr. Watson, the senior surgeon of the hospital.

Upon opening the body, did any cause appear to your observation from whence you ascribe her death?—Yes.

From what cause?—From a rupture of some blood vessel in the cavity of the thorax, as there were found two quarts of blood in the right cavity; the internal mischief corresponded with the external.

Describe to the satisfaction of the Gentlemen of the Jury to what external appearance this was connected?—From the bruise received on the right breast.

Then from the bruise that was received on the right breast, this which was the internal injury appeared?—Yes.

Do you therefore think that the death of the woman was to be attributed to that injury, according to the best of your opinion and skill?—I believe it was.

Did you at any time communicate to the woman your opinion of her situation?—No, Sir, I did not; I gave her the best hopes.

Was the head opened?—It was not.

Having gone so far in your enquiry, were you satisfied that the injury you have described was the occasion of her death?—Yes, Sir, I am satisfied in my own mind that it was.

Did any other surgeon attend your examination?—Mr. Watson, he is here, and the physicians were present.

Did these dangerous symptoms increase on the woman?—They did.

At

At what time did you think there was imminent danger?—About three or four days before her death.

Had the discolouration increased?—No, but the difficulty of breathing had become greater.

Mr. Garrow. On the first day, as far as as you recollect, she complained of the wounds?—She did.

The wound on the breast bone was about an inch deep?—It was.

How far removed from that part of the breast that was discoloured?—About two or three inches.

When you speak of the breast, you mean the breast, properly so called?—I mean the sternon.

Beyond all question, the discolouration of the breast might be occasioned by external violence offered to the breast?—It might.

Might it not be the consequence of a wound on the sternon?—No, Sir, I do not think it could.

Might it not be the consequence of the extravasation of the blood under the sternon?—I think not.

Was the discolouration on that part of the breast nearer to the sternon or further from it?—Further from it.

Was there any spitting of blood?—I believe there was a little; the expectoration was chiefly blood.

Was it the latter part of the attempt to cure, or the beginning?—I believe it was at the beginning, the discolouration got better.

An injury on the breast must have been of a very violent sort indeed, to have affected the internal part so as to have produced a rupture of the blood vessels?—Undoubtedly.

Is not it possible that that rupture was occasioned by the blow on the sternon?—No, Sir, I do not think it.

Supposing so great a degree of violence to have been inflicted on the cavity of the thorax, to have occasioned a rupture of the blood vessels there (protected as that cavity of the thorax is by the ribs) would not the

appearance of the breast have been much worse than it was in the present case?—I think so.

If there had been a sufficient degree of force applied to the external part of the body on the breast to occasion that extravasation of the blood, the appearance of the breast would have been more discoloured, in all probability, than it would have been on the present occasion?—Yes.

Mr. Fielding. Do you mean, must have been, might have been, or would have been?—There was a greater mischief internally than there was externally.

Was that wound, in your mind, at all the cause of this extravasation in the thorax?—It was not.

Do you, or do you not, attribute that interior injury as arising from this contusion on the breast?—I do.

Court. You say she complained of pain the second day?—She did.

Did you observe any discolouration on that part where she complained of the pain?—Yes, I did.

Mr. HENRY WATSON *sworn.*

Mr. Fielding. Did you superintend Mr. Scott when he opened this woman?—He opened her by my orders, and I was by when he opened her.

Did you see her before her death?—Yes, almost every day I saw her, the very day she came in, the very hour.

Most of her wounds were cutaneous, except the wound on the breast?—She had a wound between her finger and thumb, which seemed to be made by drawing a knife over her hand:

Was the death of this poor woman occasioned by that wound, the most dangerous one on her breast?—There was a wound in the center of her body on the sternon.

Was that wound which was given by a sharp instrument the occasion of her death?—It seemed to be given, not with a very sharp instrument, but like that knife; it was prevented from going very deep, it stuck in the bone of the sternon; I could not call any

any of these external wounds mortal, not any of them, not even that on the sternon; I saw the body opened; she went on for about three days, very tolerably well, the fourth day, and complained of pain in that side of her chest, and difficulty of breathing; she complained a little from the very first day, but not of much consequence till the fourth day; then she began to be very uneasy in her chest, and difficulty of breathing; I examined the breast, there was the mark of bruises, a contusion in the skin, as if a person had been boxing, a little towards the sternon.

Did this, from the fourth day, till the time of her death, alter its appearance?—Not a great deal, it grew rather stronger, the appearance grew rather stronger every day.

When you saw Mr. Scott going through the operation of dissecting the body, did you discover the cause, according, to your opinion, of her death?—That I did very particularly discover; I imagine it was the extravasation of a great quantity of blood and serum in the cavity of the thorax, with a great discolouration of the lungs, which appeared very bad, and which extravasation was enough to have oppressed any body.

What injury done to the body, either exterior or interior, according as you could collect, was the occasion of this?—Either some violent pressure or blows; violent blows on the body, or some great weight upon her of that kind; it had the appearance of pressing, she was a very corpulent woman, very fat, very relaxed, and weak fibres.

Then this appeared to have arisen from some violent pressure on her body?—Yes, I only mention this circumstance of her being so very fat, having such relaxed fibres, that she was more liable to injury from pressure, than others not so corpulent.

Was there any particular part of the body, the breast or any where else, that you derive this inward injury arose from?—From the appearance on the right side of the chest the injury seemed to have been

done; she was very clear in her senses, and was very well, she had no pain or uneasiness in her head; we did not open the head, there was no necessity for it.

Do you, on the whole, in the way in which you make up your mind, attribute that inside injury to that cause?—Yes I do, I do not think the wounds with a sharp instrument sufficient.

To the wounds with a sharp instrument you do not attribute her death?—I do not.

Mr. Garrow. Excuse me doctor: to the wounds unconnected with the extravasation, you do not attribute the death?—No.

When you describe her to be a corpulent fat woman, do you mean that she was large made?—Large made.

Supposing a violent blow to have been given there, it would not be extraordinary that there should be a rupture of vessels in some adjacent parts?—That might take place, to be sure.

After the disposition to the rupture of vessels, that appearance would continue to increase till you would not be surprised to find they had discharged two quarts of blood?—That is very certain, if numbers of vessels are broke they will continue to ooze so as to fill a large cavity.

Might not an extravasation of blood be occasioned by the cutting the vessels, as well as by the contusion of them?—Undoubtedly.

Then, supposing any of the vessels on the sternon of my body to be cut by such an instrument as this, a consequent extravasation might take place?—It might happen, and it might not, if a number of small vessels under the skin were cut, supposing the wound to go no deeper.

The extravasation having taken place, from whatever cause, the difficulty of breathing would be occasioned by the cavity being filled, in which the lungs cannot operate?—Certainly.

Are not the vessels under the sternon, which, if ruptured, would discharge their contents into the cavity of the thorax, more exposed to the danger of rupture from the pressure of external violence, than those

vessels under the breast of a fat corpulent subject?—They certainly are; one reason is, they are larger.

Mr. Fielding. Does it appear, according to your best examination, that this wound on the sternon was occasioned by a sharp instrument, or otherwise?—Not from a sharp instrument.

Mr. Garraw. The fair question is this: Whether you can take upon yourself to say, in a case of life, on your oath, whether the cause of the death arose from the injury on the sternon, or from an internal injury?—Not from the injury on the sternon, nor by the injury on the breast externally, but from an internal injury.

The question is, Whether you can venture to say, that that internal injury was not occasioned by the pressure, of which you observed that mark on the sternon?—It is necessary to enquire into what she might have suffered from pressure.

But judging in the abstract, are you enabled to say, that that extravasation was not occasioned by the wound on the sternon?—I do not think it was; it was occasioned by the pressure.

Are you able to say that it was not?—Yes, I am able to say that, because I did not observe any mark of it.

Mr. Fielding. A little beyond what might have been, are you enabled to say, according to the best of your opinion, whether it was owing to any pressure on the sternon, or to any other pressure on the body?—I believe it was owing to the pressure on the whole side of the chest, in which the sternon might have its part, but not singly on the sternon.

Court. Did any of the vessels on the sternon appear to be cut?—No, Sir; it was owing to the external pressure of the sternon.

There was no appearance of the knife going through?—No more than that the skin was cut.

Did those vessels from whence the blood was supposed to extravasate appear to be cut?—No, only the vessels of the skin.

Then it was not from these vessels that

this blood could possibly extravasate?—

No.

Suppose the woman had made no complaint at all, and you had not seen any discoloration of the breast, and you had seen that a blow had been given by a knife on the sternon, could you by that have accounted for the extravasation of the blood in the cavities?—No, I could not.

Should you have attributed this extravasation to that blow given by the knife on the breast?—I certainly should not.

Mr. Fielding. Who was the physician that attended this poor woman?—Dr. Morris.

Dr. WILLIAM BLACKBURN sworn.

Mr. Fielding. You attended this poor woman in the hospital?—Not through the whole of her illness; she was admitted on the 9th, and I saw her for the first time on the Saturday following.

What was her situation?—I did not form any opinion of her at that time, because I considered her as a surgeon's patient merely; I could not attend her regularly till the Wednesday following; she appeared to be under considerable distress with respect to her breathing; she had a very bad pain in her side; she could not lay on the opposite side to that which was affected; she was extremely restless, and had a great deal of anxiety in her countenance: these symptoms appeared to me of a very dangerous tendency.

Were her situations and symptoms such as to derive apprehensions in your mind for her situation?—She was very much afraid of dying; she thought she should die. I encouraged her, and gave her hopes; not from any conviction of her recovery, but merely to comfort her, from motives of humanity.

Did you observe, during your continuance, whether the apprehensions you had discovered, were or were not removed from her mind?—I apprehend not entirely; but that is only apprehension; this was on the Wednesday preceding her death.

MARY

MARY BLUNT *sworn.*

I am the nurse at this hospital; I attended her in the day-time during the whole time; there is a night nurse in the night; but if any thing happens, I always come in. The first day that she came in, she was in a very bad condition of blood; when her things were washed, and she recovered herself, she complained of a pain in her side.

You continued to attend her to the hour of her death in the day-time?—Yes, I did.

Now, within the three or four last days did she say any thing to you then?—Only how terrible bad she was; only how her husband had used her.

Did she say any thing about her husband during the three or four last days of her existence?—No; she never mentioned him after the first time that she told me how cruel he had used her, which was on the first day, when she recovered herself a bit.

MARY MUTCH *sworn.*

I knew the deceased since 1769; I knew very little of this husband, but I knew her first husband.

Did you see her any time after the 16th, or on the 16th?—I saw her the 16th, between six and seven in the evening at the hospital.

Court to Prisoner. You have heard what has been sworn against you by these witnesses. You are charged with the murder of your wife; do you wish to say any thing in your defence.

Prisoner. I leave it to my counsel.

ABRAHAM MARTIN *sworn.*

Mr. Garrow. Do you know the prisoner at the bar?—Yes.

Did you know his deceased wife?—I did not know a great deal of them.

On the 16th of August was you at his house in Strutton Ground?—Yes, I lodged there.

Did you see any thing pass between the prisoner and his wife at that time?—I was come out of the country, and coming by the shop where they both stood, she had

been abusing him, and cursing and swearing at him, and he said nothing at all; then there was a butcher's chopper laying on the window, she took that up, and made a full blow at his head; he took the chopper out of her hand after she aimed a blow at him, and he laid the chopper down; I stood a little while afterwards, but there were words, and I went up stairs into my apartment; I would not stay any longer. I had not been many minutes up stairs before I heard the cry of murder.

How many minutes do you think it was?—Perhaps it might be six or seven minutes.

When you left them they were still quarrelling, and in six or seven minutes you heard the cry of murder?—I do not know what happened afterwards; I saw nothing more happen. I have known the prisoner since Midsummer-day; he is as good a natured man as ever took the house, and a sober man; I saw him three or four times a day.

Mr. Fielding. What day was this?—I believe it was the 16th of August.

How long did you remain up stairs after you had heard any noise below?—Six or seven minutes before I heard a fresh noise again; then I came down stairs, and there were several people in the passage.

When you first went into this shop, you heard them quarrelling?—Yes.

Do you recollect any of the words made use of?—No further than calling rascal and rogue, and such as that; I did not take any great account of what she said further than that; I did not expect any more should be of it.

You did not interfere at all between man and wife?—Not at all; I did not expect any danger.

So he took this knife out of her hand without any difficulty?—Yes.

The prisoner called ten witnesses, who gave him a very good character for sobriety, humanity, good-nature, and tenderness.

Mr. Garrow. I fancy, as far as a good character goes, the jury do not wish for more

more satisfaction ; there are a vast number more.

Mr. Garrot. My Lord, now the evidence is closed, I feel it my duty, as counsel for the unhappy man at the bar, to state to your Lordship two several objections on his behalf ; the effect of one of which, if I succeed, will be, that your Lordship will be compelled in point of law to instruct the jury to acquit the prisoner altogether. If, however, I should fail in that, the remaining objection will have the effect of reducing the crime to manslaughter ; and he must have been a very inattentive observer of all that has passed in this Court for some hours, that has not observed that mine is at this moment a very painful situation. To your Lordships, who know the legal constitution of the country, and to whom I may perhaps, without presumption, say, I have the honour to be known ; to your Lordships and the Jury I am sure it is unnecessary for me to make the least apology. Let it be recollected, and when I say so I mean, let it be recollected by all the bystanders, (for you do not require to be reminded of it) that every man is presumed to be innocent till proved guilty ; that every man who is indicted is entitled, God knows not to make an ample defence by counsel, but to the assistance of counsel ; therefore, though the duty of a profession every now then imposes a painful task on an individual, every body must feel it is the duty of that individual to discharge that task manfully, and to the best of his power for the life of the man committed to his care. Nobody can therefore blame me for suggesting two objections to your Lordships. The first objection is that which goes to an acquittal, upon this ground, that the indictment imputes the death of this woman to have taken place by means, and under circumstances, which the evidence before your Lordship and the jury does not sustain. I am not uninformed that there may be modes of death, which, though not charged with perfect accuracy in the indictment, may be charged with something approaching to ac-

curacy ; but I take it to be clear, that if the death imputed in the indictment be different and variable in any essential degree, that then the defendant will be entitled to an acquittal. This has been long the law as laid down in the books ; the distinction has been broadly marked, so that any man who runs may read. In the present case the indictment charges, that the death was occasioned by throwing the deceased to the ground, by beating and pressing her with the hands and knees, and feet, and by that sort of pressure. I shall confine myself to my province, and I insist that the evidence proves a death by other and different means ; by means so distinct, as to be within that distinction which the ancient wisdom of the law has laid down, and which entitles the defendant to his acquittal. I am aware that the surgeons have delivered their opinion that the death was occasioned by an extravasation of blood which filled the cavity of the thorax ; that in their judgment that was occasioned by an external violence opposed to the breast, and not to the sternon. I think, in so stating it, I do ample justice to the force of the pressure of the argument against it ; but although the jury are to form an opinion, that is to be an opinion grounded (I speak it with all the respect necessary) from the premises given in evidence ; and that they have said, that the pressure of external violence on the sternon has in the present instance done, that which in the abstract it may do : Mr. Scott and Mr. Watson have told your lordships, that from the formation of the human body, from the anatomy of those parts, the probability was, that the extravasation should rather have been on the sternon, than from that part which is more protected from that injury. If the Jury are of opinion that that is so in point of fact, it becomes my duty to apply that in point of law. The indictment should have charged that he, with a certain instrument called a knife, which he had and held in his right hand, did, by one violent cut and blow, which he gave in and upon the sternon of the deceased, which ruptured the vessels, and the
extra-

extravagation ensued, and the death came in consequence; and if that fact was so, then I contend that it is not well charged in the present indictment, that the death was occasioned, or the extravagation brought about by means of another species of force and violence; namely, the beating and bruising with the hands and feet of the prisoner. My Lords, the next objection is that, which if the former should fail, will not go to an acquittal, but will reduce the degree of the prisoner's offence; I mean that case which has been stated to you on the evidence of Abraham Martin. My Lords, it is well known that it is not every species of death that is murder. The language of the law is, that in its wisdom, it attends to, and makes allowances for the frailties of human nature, as long as human nature shall continue to be what it is, as long as human nature shall have its frailties and passions, so long Courts of Justice, conversant on the transactions of human nature, must necessarily pay obedience to those passions, and to those frailties; therefore, if you believe the personal danger or violence threatened to the prisoner at the bar, at the time he committed it; then, though you should be of opinion, that he should not have the benefit of the first objection; yet, with great deference, I submit to the Court, that under this evidence, the offence can only be manslaughter. I only mean to shew how the law applies, as I am sure the Jury would not hear me, if I made any observations on the evidence; but the evidence is, that the husband and the wife being engaged in a furious quarrel, she took up a deadly weapon, and aimed a deadly blow at him: that the heat of blood had been increased by this violent act on her part, and still continued, and which still continued increasing, till the cry of murder was heard, and the fatal catastrophe was committed. My Lords, if in any heat of blood, the man has committed this action, under those circumstances, I submit to your Lordships, with all becoming humility, but with considerable confidence in the law, that he is intitled to be found guilty of no

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higher offence than manslaughter: upon principles so clear as these, recognized in every page of criminal law, from the first books to the last, it would be impertinent to mention precedents; but there is one so lately, and in the presence of the learned Judge, who tries this prisoner, which I dare say he will recollect, before Lord Kenyon, in the last session, he was here; which is so very much in point: it was the case of an indictment against a smith in the neighbourhood of Smithfield, for the murder of his wife by cruelty; the evidence was that in the course of the beating, which the witnesses heard, the woman had repeatedly said this, for God's sake do not kill me, indeed I do deserve it. This was a circumstance which the Judge left for the consideration of the Jury, that she frequently said, indeed I do deserve it. Now, said he, if from this you can collect, that at the time he gave the blows, which occasioned this death, he had received a resistance from this woman, which amounted to that degree of apology, which was sufficient to sustain the observation that the frailties of his nature were the cause of the beating, you may reduce the crime to manslaughter; now that direction his lordship gave, on no better evidence, than that in the course of a severe beating, the poor wretch, who would say any thing for her life, said, to be sure I deserve it. My Lords, I shall not be guilty of the impertinence of renewing an apology on the present occasion, but shall sit down perfectly satisfied that justice will be done to the prisoner.

Mr. Fielding arose to reply.

Court. You have no occasion to trouble yourself, I shall leave it to the Jury, as to the points which have been very accurately stated by the Counsel.

Here the learned Judge summed up the evidence, and the Jury immediately gave a verdict,

GUILTY, Death.

GUILTY, on the Coroner's Inquisition:

*Tried by the first Middlesex Jury before
Mr. Recorder.*

E

Clerk

Clerk of the Arraignment. George Dingle, hold up your hand; you stand attainted for the wilful murder of Jane your wife; what have you to say for yourself, why the Court should not give you judgement to die, according to law?

(Proclamation made.)

Mr. Recorder. Prisoner at the bar, you have been tried and convicted of the very atrocious and cruel murder of your wife; you, by matrimony, had placed yourself in a situation the most likely in this world to afford you happiness and comfort; you had entered into a very solemn contract, for that consolation and comfort which you had a right to expect, to give protection to that woman so long as you both should live; you have, notwithstanding that, aggravated your offence greatly, by the consideration that the person whom you have thought fit to murder, was a person whom, above all the world, you was bound by a most solemn contract, by every tie of religion, by every moral consideration, to assist, to countenance, and protect; you have had the good fortune, for this very atrocious offence, to be tried in a country where the administration of justice is a very mild one; and all who hear me can bear testimony, that all the ingenuity of a counsel, and all the patient hearing of a cause, could possibly do in your favour, has been done on the present occasion: the Jury, who upon their oaths are bound as much to protect the rights of the public as the injuries of the individual, after having given every weight that could possibly be given, even to a feather, that might have weighed in your case, have on a deliberate consideration decided against you, and I am under the necessity of telling you the dreadful news, that their decision has the full, complete approbation of the Court: though I have not long had the honour to sit in this situation, I have been called upon twice in the same day to pass the dreadful sentence of the law, which you are now to receive, on two persons who had committed the like offence under the most atrocious circumstances; I pray God, that though their

examples have had no effect upon you, that the example which you are about to set, by your sufferings, may have a good effect on others; if there should be any found of a disposition (which God forbid) so brutal as yourself: you have endeavoured to excuse and palliate this offence; for one part of your defence was no alleviation, in point of morality, of your crime; it rested on a point of law, which as Judges we thought it justice to give you the benefit of, however brutal your offence has been; but you have attempted to mitigate that offence, by producing a witness to prove a circumstance of alleviation; and I must say, on that question also, the Court think the Jury have done right in deciding against you: by the sacred scriptures we learn, that whoever spills man's blood, his blood shall be spilled; you therefore, on a clear and satisfactory conviction, have nothing to expect from me but the sentence of the law: I hope you will make use of the very short space of time that is allowed to persons of your description to remain in this world, to the best advantage; and I hope that God Almighty, in his goodness, will at last pardon this very aggravated offence of yours, if you, as you ought, most sincerely repent of the crime which you have committed. Nothing remains therefore, now, but that I pass the dreadful sentence which the law compels me to do; which is, That you, George Dingle, be taken from hence to the place from whence you came, and from thence to the place of execution, there to be hanged by the neck till you are dead, and your body afterwards to be dissected and anatomized, pursuant to the statute; and the Lord have mercy upon your sinful soul!

N. B. This prisoner was executed on the Monday following.

313. WILLIAM FOLKES was indicted for feloniously breaking and entering the dwelling-house of John Paynton, on the 5th of July last; no person being therein,

and feloniously stealing a wooden trunk, value 5s. a blue coat, value 2s. a pair of velvet breeches, value 1s. 6d. a pair of kerseymer breeches, value 1s. 6d. a pair of fustian breeches, value 1s. five linen shirts, value 20s. two pair of worsted stockings, value 2s. two pair of cotton stockings, value 4s. two muslin neck-handkerchiefs, value 2s. a linen pocket-handkerchief, value 6d. three linen night-caps, value 1s. 6d. two cotton night-caps, value 6d. a black leather pocket-book, value 1s. 6d. a pocket dictionary, value 6d. the Book-keeper's Guide, value 8d. and two steel razors, value 6d. the property of John Railton.

JOHN FRANKLIN *sworn.*

I saw the prisoner come out of this house with a trunk in his hand; I am very sure it was him; he came out of the back room, one pair of stairs; he had the trunk in his hand, and was putting it on his shoulder; he walked across the road with it; I let him go on till I went up stairs to see if any body was at home; I found nobody in that room; I ran down stairs, and ran across the road to Mr. Bearden, who kept a public-house, and he assisted me to take the man; he had the trunk on his shoulder; this is the same trunk.

HAMILTON *sworn.*

I am a headborough; I brought this trunk to the justice's; I received it from the last witness, in the shop, in Queen-street; I have kept it ever since.

(The trunk and articles in it deposed to by Railton, who said he left it in the room, and saw it the next day at the justice's; the value of them is 2l. 7s. 9d. he shut to the door of the room when he went out, but so as the servant could get in to make the bed.)

BEARDEN *sworn.*

I was a publican at the time of this robbery; I saw him with this trunk on his shoulder, the 5th of July, in Princes-street; I took him, and Franklin took the trunk.

Prisoner. He said he should prosecute me or lose the 40l.

Bearden. There is no truth in that; I said I was bound to prosecute him in the penalty of 40l.

EDWARD TREADWAY *sworn.*

I only apprehended the prisoner with Theophilus Butcher.

Prisoner. A man offered me a pot of beer to carry it to Kingsgate-street; the man ran away; I told Franklin it was none of mine.

GUILTY, 39s.

Transported for seven years.

Tried by the first Middlesex Jury, before

Mr. RECORDER.

314. **JOHN SIMPSON** was indicted for feloniously stealing, on the 16th of July last, one watch with a gold case, value 3l. 3s. one cloth coat, value 5s. one waistcoat, value 2d. four shirts, value 12s. four muslin neckcloths, value 4s. the property of Nicholas Grandere; and four linen shirts, value 7s. two muslin neckcloths, value 2s. five pair of cotton stockings, value 5s. one pair of leather boots, value 5s. the property of Henry Borreaux; in the dwelling-house of John Berridge.

(The witnesses examined separate.)

(An interpreter sworn.)

NICHOLAS GRANDERE *sworn.*

I am a foreigner, a Frenchman; I live in the house of Mr. John Berridge; he is a hackney-coachman; I lodge at Mr. Berridge's; I saw the prisoner take a watch and the other things in the indictment from the house of Mr. Berridge; I was at home the night of the robbery; I lodged in the next room to the hay-loft; in the morning, when I got up, I found I had lost a watch and all the rest of my things; I saw them a few days after.

HENRY BORREAUX *sworn.*

I am a coachman; I lodge in the same room with the last witness, my fellow-servant; I lost the things in the indictment

the

the night of Friday; I took them from the prisoner, whom I saw the next day, between five and six in the evening; he had the coat, shirt, waistcoat, and stockings, on; the stockings were mine; and he had a gold watch about him, and the lace off a hat; we took him at a publick-house, and he took us where the rest of the things were, and we found the things at No. 4, or 5, in Garden-lane; the prisoner had been hostler in the yard about six weeks before.

JOSEPH FITZWATERS *sworn.*

I belong to the office in St. Martin's-street; I took the prisoner, with the property; I found this duplicate on the prisoner.

THOMAS HINES *sworn.*

I am a pawnbroker's servant; I produce a box-coat belonging to this duplicate; it is my hand-writing; I received it from the prisoner; I have no doubt of him; but I never saw him before that time; he pawned it on Saturday, the 16th of July, about eight in the morning.

JOHN BERRIDGE *sworn.*

I keep this house and stable-yard, in Whitcombe-street; the prosecutors lodged with me; I know of no violence to the house; I heard of the robbery on Saturday morning, the 16th of July; I assisted in taking the prisoner, and the things on him, as described; and the other articles were found according to Fitzwater's description and the prisoner's directions; the prisoner lodged with me, and behaved very honest.

Court. Is not the coat the property of Mr. Saintfoire?—Yes.

(The four shirts depoted to.)

They are old, he cannot tell their value.

Pawnbroker. These four shirts are not worth above 6s.

(The prosecutor Grandere depoted to four neckcloths, marked, value 2s. and to a watch with his name in it, value 3l. 3s.)

(The other things depoted to by Borraden; four shirts, value 7s. two muslin

neckcloths, value 2s. five pair of cotton stockings, value 5s. *the boots not found.*)

PRISONER'S DEFENCE.

On Saturday, the 16th of July, I was in Parliament-street, between seven and eight, and I bought these things of a man that appeared to be a Jew, and gave him 5l. 15s. for them; I put some of them on, and pledged the coat in the evening, being distressed.

Court to Fitzwaters. What did he say?—He said he hoped we would take compassion on him, and take the things back again; he said nothing about the Jew.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. RECORDER.

315. **JOHN GILBRAITH** was indicted for feloniously stealing, on the 25th of August, five linen handkerchiefs, value 4s. eighteen yards of check linen, value 15s. eleven yards of diaper, value 7s. and eight yards of Russia, value 5s. the goods and chattels of Samuel Brown and Edward Bacon.

JOHN SAUNDERS *sworn.*

I am a patrol of Lime-street ward: on the 25th of August, in the morning, about half past twelve at night, I saw a light through Mr. Brown's shutters; he lives in Leadenhall-street; I had a suspicion, and I peeped through the shutters, and I saw a person folding and unfolding some check, but could not tell for some time whether it was a man or a woman; at last I saw an arm on the counter, and I then believed it was a man; I went and fetched my partner, James Warren, and told him the circumstance, and then we fetched the constable from the watch-house, about an hundred yards off; we went both together; the constable came, and we watched till one o'clock, and then the light disappeared; and in about a minute we saw the light in the upper room till near two o'clock, and then it

it came down stairs to the cellar for about two minutes; then it went up stairs, and continued for about four or five minutes, and we saw no more of it. The next morning, that is the same morning we discovered it, we went and acquainted Mr. Deputy Brown of it, and the next morning following Mr. Brown sent for us. I saw no farther. The man was a servant to Mr. Brown; he was there, but I did not see the property then; the constable Edmonds went up and fetched it.

Could you see through the opening of the shutters into the shop?—I could.

Could you see who it was?—I could not.—I could see nothing but a hand and arm of a man folding and unfolding linen.

You do not know who was with the light up three pair of stairs?—I do not know who it was.

How came you not to alarm the house?—We did not know whether it was so proper.

JAMES WARREN *sworn.*

I am a patrol with Saunders; about half past twelve my partner came to me, and informed me what he had seen. I went, and saw a shadow of a man, and they remained folding and unfolding till one o'clock, and then the light disappeared, and went up three pair of stairs, and stood steady for three quarters of an hour; I saw a young man come, and draw the curtain back, but cannot tell who it was; the candle disappeared, and presently it was down in the cellar; it presently went up stairs again, and there it was till the clock struck two, and then went out. The same morning between eight and nine o'clock we waited upon Mr. Deputy Brown, and the next morning we were sent for again, but I did not find the property.

HENRY EDMONDS *sworn.*

I am ward beadle. I was sent for on the 26th of last month by the Deputy, and he gave me a report that he suspected the prisoner had robbed him; the prisoner was at his master's house, Mr. Deputy Brown,

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Leadenhall-street; he gave me charge of him for robbing him. I went up stairs with the prisoner and the Deputy, and searched his box; he unlocked it himself; and in the box I found this property I have here. (Produced.) It was tied up in his dirty shirt; with that, his master being there, he said he hoped his master would forgive him. I heard nothing more.

Prisoner. I was brought up very unexpectedly.

SAMUEL BROWN *sworn.*

I am a linen-draper in Leadenhall-street; my partner's name is Edward Bacon. The prisoner lived with me, and lodged also; he had lived there about five months; he slept in the three pair front room. I was present when this property was found in his dirty shirt. (Deposed to.) One of the handkerchiefs having a private mark upon it; and I have great reason to suppose the rest is mine, but they have no mark; they are cut off from pieces, and I had such in my shop of the same patterns.

When they were found, what did the prisoner say?—He begged for mercy.

Prisoner. I could bring two people to prove my good character, but I have been brought up so unexpectedly.

GUILTY, (Aged 26.)

Privately whipped.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

316. **BENJAMIN EDMONDSON** was indicted for feloniously stealing, on the 27th of July, one silk handkerchief, value 2s. 6d. the property of Thomas Monkhouse.

THOMAS MONKHOUSE *sworn.*

On the 27th of July last, coming up Fifth-street-hill, the prisoner at the bar took a handkerchief out of my pocket; it was so dexterously done I did not immediately

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mifs it, till Mr. Sutherland called me back, and he had the boy; I turned round, and saw my handkerchief in his hand. The boy was taken to Guildhall, and committed to prison. The constable has the handkerchief.

SUTHERLAND *sworn*.

I live on Fish-street-hill, a grocer; not being very busy, I was looking out, and observed Mr. Monkhouse go by, and the prisoner following him; and suspecting the boy, I saw him take the handkerchief very deliberately out of his pocket in a very compleat way, and put it into his side; I then took hold of the boy, and then called Mr. Monkhouse back, and asked him, if he had lost a handkerchief? he said, Yes; for I had a handkerchief about a minute or two before in my pocket.

(The handkerchief produced, and depofed to.)

PRISONER'S DEFENCE.

I was coming up Fish-street-hill about one o'clock, and I saw a handkerchief lay under a cart, and I went and picked it up; and that gentleman there came up, and laid hold of me, and said I took it out of that gentleman's pocket.

GUILTY. (Aged 16.)

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

317. SIMON LUDDET was indicted for feloniously stealing on the 3d of September, one cotton handkerchief, value 10d. the property of George Wright.

GEORGE WRIGHT *sworn*.

Coming up Fish-street-hill, the 3d of this month, I lost my handkerchief; I never felt I lost it; it was about four o'clock;

Mr. Sutherland came after me with it in his hand.

SUTHERLAND *sworn*.

I was walking up Fish-street-hill, and I saw the prisoner take the handkerchief out of the gentleman's pocket, and place it in his bosom; I took hold of him immediately with the handkerchief, and he endeavouring to get from me, I tore off part of his waistcoat, and he left it in my hand. He made a stroke at me, but thank God I missed it; and endeavouring to ward off the blow, I knocked him down, and two or three people came up and held him, and I ran after Mr. Wright, and he said it was his handkerchief immediately.

PRISONER'S DEFENCE.

Going up Fish-street-hill, I saw some man throw this handkerchief down, and being in distress I picked it up, and put it into my bosom, and this gentleman caught hold of me by my collar.

GUILTY. (Aged 20.)

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

318. ROBERT COX was indicted for feloniously stealing, on the 19th of August last, six pounds of white pewter, value 3s. 6d. the goods of Cornelius Swift.

WILLIAM REID *sworn*.

I am apprentice to Mr. Swift, a pewterer, in Shoe-lane. On Friday, the 19th of August, I had an occasion to go out of the shop; I heard Robert Cox, our porter, off his stool, which he had no business to be; I went to that shop where his coat hung up, and felt something hard on the outside of his coat pocket, which caused a suspicion. My master being out, I went down and told my mistress, and then sent for my master; this was about five o'clock;

in the afternoon. At eight, when he was leaving work, I stopped him going out, just off the step of the street door, and went and fetched Singleton the constable, and he searched him, and found pewter in every one of his pockets. While I went for the constable, he was in the kitchen with my mistress, and Mr. Bland with her, a next door neighbour.

Court. What business had he on that stool?—He was cleaning the pewter pots.

Where was you?—I was in the room under him.

SAMUEL SINGLETON *sworn.*

I am constable of St. Andrew's; I was sent for to Mr. Swift; I live directly opposite; I went over; I went down to Mr. Swift's kitchen, and searched him, and pulled all this pewter out of his different pockets, his coat, waistcoat, and breeches pockets. (Produced.) They weigh upwards of six pounds weight. The man said, he was very sorry for what he had done. I asked him, if ever he had been guilty of the like before? he said, he had not; he meant to sell it to an old iron shop in Shoe-lane.

CORNELIUS SWIFT *sworn.*

This is my property; I can swear to them.

PRISONER'S DEFENCE.

I did not put them into my pocket; the witness Reid has often played tricks with me.

Court to Reid. He says you played tricks with him; did you put this pewter into his pocket?—I did not.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

319. FRANCIS WEBB was indicted for feloniously stealing, on the 3d of Au-

gust last, one woollen cloth coat, called a box coat, value 20s. the goods and chattels of Thomas Hambleton.

THOMAS HAMBLETON *sworn.*

I am a coachman; I drive for Mr. Robert Clarke of Cripplegate. I went out with the chariot on the 3d of August with the town-clerk and another gentleman, Mr. Wadd, to Thames Ditton; I returned, and was ordered to set down at Mr. Surgeon Wadd's, in Basinghall-street; and when I came there I got off my box, and rung at the bell and opened the door, and Mr. Wadd or Mr. Bird got out, I cannot say which; and I saw my coat going off the box, and I looked between the body and the box, and I saw that man, the prisoner at the bar, pulling off the coat; I went round and saw this man with the coat about two yards from the box, and seeing me he immediately dropped the coat, and I took him about two yards from the coat.

Which way did you go round?—I went round the pole end.

What time was this?—Very near ten o'clock at night.

Are you sure as to the man?—I am sure he is the man, for I saw him take the coat, I saw him have it on his arm, and I saw him drop it.

What time might this take up from the time you saw your coat going off your box, and your taking the prisoner?—It all could not be above one minute.

PRISONER'S DEFENCE.

I was coming along Cheapside, and up the Old Jewry; and about three parts up the way, this man took hold of me and said, he would take me on suspicion of stealing his coat; I am entirely innocent.

GUILTY, (Aged 33.)

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

320. JOHN

320. JOHN PROSSER was indicted for feloniously stealing, on the 2d of September, eleven pounds weight and an half of mottled soap, value 5s. and eight pounds of yellow soap, value 3s. the goods and chattles of Ezekiel Delight.

EZEKIEL DELIGHT *sworn.*

I live near Blackfriars Bridge, an oil and colour man; John Prosser, the prisoner, was occasionally my porter, and he stole a quantity of soap from my cellar on the 2d of September last, about seven o'clock in the evening; he conveyed it away the same night he took it, about five yard from the shop, and I called him back; I saw him carry it out from the cellar in a knapsack on his shoulder, about nineteen pounds and an half; he came to work that day about one o'clock, and he went out, and I went down again into the cellar, to see whether he had moved the soap; and I found there eleven pieces out of the thirteen, which I had seen first moved into the knapsack, one piece of which was marked with a D on it by my man, before it was put in the knapsack; there were two pieces in the box; I paid him his wages, he came back very orderly; in the knapsack I found a regimental coat and waistcoat, and nineteen pounds and an half of soap of two sorts; it was my property, I have no partners.

DANIEL STUDD *sworn.*

I am shopman to Mr. Delight. On September the 2d, about seven in the morning, I went into the cellar to look for a newspaper, instead of which I observed thirteen pieces of soap; I informed Mr. Delight; the prisoner came to work, and was in the cellar about an hour; about three he went out; we went down and found the knapsack covered with his coat and stowed (as we thought) quite full; in the evening he came to be paid; then he had the knapsack under his arm; I was determined to let him pass out of the door; he came back when I called him.

JOSEPH THOMPSON *sworn.*

I am a constable; on Friday the 2d of September I was waiting in Mr. Delight's compting-house, the prisoner came up and was paid, he went away and was called back; says I, my friend, what have you in your knapsack? says he, nothing but my coat and waistcoat, and a little bit of soap besides: this is the soap.

Studd. I marked this that morning.

(The soap deposed to.)

Thompson. He first said he had it from another man; afterwards he said it was the first offence.

Prisoner. I have nothing to say.

Serjeant THOMAS CLARKE *sworn.*

I have known him about fourteen months in the first regiment, a very orderly soldier, I never heard any thing amiss of him.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

321. SAMUEL SHERIDAN was indicted for stealing, on the 9th of August, one wooden cask, value 6d. and twenty-six pounds of anchovies, value 5s. 6d. the property of William Walter Veney.

CHARLES CHAWNEY *sworn.*

I am servant to Mr. William Walter Veney, who keeps warehouses at the water side; on the 9th of August I lost a cask of anchovies; I met the prisoner coming with it up Galley-quay, in the gateway, near two o'clock; he had something tied up in a wrapper; he said he was going to No. 7, Beer-lane; he was stopped on an alarm, and he had a barrel of anchovies, I found a barrel was missing from the warehouse, and that a partition was broke out, and four were

were gone; I reckoned them in January, not since; none had been sold; I had no suspicion that any were stolen from you.

JOHNSON sworn.

I apprehended the prisoner; I saw Mr. Sheridan the prisoner come with something on his shoulder; I stopped him, he said, damn and blast it, I am going to carry it to No. 7, Beer-lane; I do not know where he came from, I saw him come from the quays, the warehouse is near the quays.

HENRY ALLEN sworn.

I am a porter, I saw the prisoner in the galley-quay, it was near two o'clock, the door opened into the half story, he was looking out at the door.

Prisoner. I often work in the warehouse among the sugars.

WILLIAM WELLS sworn.

I am quay constable; on the 9th of August I took the prisoner with a cask on his shoulder, and took him to the Compter.

(Deposed to.)

WILLIAM WALTER VINEY sworn.

I am proprietor of those warehouses, I verily believe this cask came out of my warehouse, by the mark upon it, it corresponds with ninety-six that are there; there were an hundred, I lost four, none were sold.

PRISONER'S DEFENCE.

I worked as a labouring man on the quays, those gentlemen know me, I had been drinking all that morning, I was very much in liquor; a man offered me sixpence to take it to Seething-lane, that was Bill Hay, and I pitched it on the steps of the half story.

GUILTY.

Transported for seven years.

Tried by the London Jury before

Mr. COMMON SERJEANT.

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322. **ELIZABETH EMMERSON** was indicted for feloniously stealing, on the 10th of August last, one pound eight ounces weight of raw silk, value 30s. the property of James Lewis Desormeaux.

(The witnesses examined separately.)

JAMES LEWIS DESORMEAUX sworn.

I am a silk dyer: on the 10th of August, Wednesday, I lost one pound eight ounces of silk; I sent some to my sister to mark, and when the man returned with it, I found a deficiency; my sister is here, I received the silk from her, and some other which I had sent her before, and that second parcel was deficient; I desired the prisoner to come up stairs, and accused her, and desired her to go into the next room and strip herself; I followed her up, she was surprised I should accuse her, she said; but after she had stripped, I saw the silk in the room, she confessed taking it to me twenty times; I immediately had the silk weighed, and left it with my sister, and took the prisoner before Justice Staples, and she was committed: the silk was deficient when it was weighed, eleven ounces in one parcel, and thirteen ounces in the other, which makes a pound and an half; she fell on her knees and begged for mercy; I told her I never would look it over.

Mr. Knowlys, Prisoner's Counsel. This silk had been dyed?—It had not.

It is put into hands before it is dyed?—It is.

This, in point of fact, was to be divided into skains before it was dyed at your sister's house?—Yes.

Who is the person who is employed to take that silk from the place wherever it was deposited to your sister's?—Not any particular man.

Who conveyed them?—I know him.

Is he here?—He is not here.

In point of fact, that man who did on that day carry those two parcels, whether he knows any thing or not, he is not here?

—He is not.

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Do you know who assisted your sister when she was parting those into skains?—I do not know that any body did; I did not suppose that any body did.

Your sister, I believe, has frequently complained of being so hurried, that she had not time to get through her business?—I do not recollect that ever she did tell me so.

Can you take upon yourself to say she did not?—Yes, I can, for I do not recollect it.

Have you any partner?—No.

ELIZABETH DESORMEAUX *sworn.*

My brother called on Wednesday, the 10th of August, and told me his suspicions; I said I believed the prisoner was honest; I received some silk from my brother that morning, I do not know the quantity, it was sent to me to mark, it comes to me in small skains, that was in skains of different sizes; my brother's servant came for the silk, I gave him all the silk I received that day; the servant's name is Allen Murdoch, he and my brother came back with the same silk, and begged the prisoner might be called up and examined, she being the only one in the house that morning, except my mother; while I was marking the prisoner came in, and asked me if she should assist me, which she did for about ten minutes; there was a bonnet of mine which laid in the room; she said I had better put it by; I said for why? she said out of the dust; I said I will put it away; the silk was in the room at the time, I went out of the room with it, and left her in the room with the silk, I was absent about eight or ten minutes; when I returned I told her I did not want her any longer, and she went down stairs; that was about ten; my brother came about eleven, and sent for the silk, and told me his suspicions; then the silk I had on the Wednesday morning was taken away, and when he returned, the woman was taken up stairs; I went into the room with her, I searched her and found this quantity of silk, which she took out of her pocket, and owned; I begged her to own if she had any about her, she begged

for mercy; I have had the silk ever since, (the silk produced) I received it on Wednesday morning.

Court to Prosecutor. Should you have known the silk if you had been at York?—No, possibly I might not.

Why then should you accuse the woman of having the same silk?—Because it was the silk that was in the bag, and she had it in her pocket, and she was left in the room.

Is there any thing particular about the silk?—Nothing particular, there were three sorts of silk, these are two of them, one sort I had finished and put into skains, the other was not in the same sort of skains, none of that which I had finished was missing.

Mr. Knowlys. The man who brought the silk to your house is not here to-day?—No.

Is your mother here?—No.

Your mother assisted you?—No.

Did you not call her to assist you that morning?—No, Sir.

Have you never said so?—No, not that morning.

Did you desire her to assist you occasionally?—Yes.

You could not finish all these by the time they were sent for to be dyed?—No, Sir, I could not have undertaken to have done it by that time.

Did you expect these to be brought back to you marked for dying?—To be sure.

This woman I believe was employed in cleaning the knives of the house?—She was.

Did not you desire the prisoner to make as much haste as she could with this silk?—No.

Upon your oath, did she say at that time, that not being able to get through this business, she had taken it to do it at a time when she had more leisure?—No, Sir, she did not.

Do you mean to say, recollect yourself, that she did not tell you, you had pressed her to make haste, and she put it in her pocket, to do it at an after time?—No, she did not.

How long have you known this woman?—About seven months; she says she is a

widow

widow woman with two children; one is seventeen years old, and is maimed; the other is eleven years old.

In consequence of your mother enquiring into her character you employed her?—Yes.

ALLEN MURDOCH *sworn.*

I am servant to Mr. Deformeaux. On the Wednesday morning, 10th of August, I sent some silk to Miss Deformeaux to mark, and at the same time I received by a person who carried it, another parcel which she had the preceding day to mark; I weighed that parcel, and found it deficient, and informed Mr. Deformeaux; he went out, and returned, and sent me for the parcel I had sent out that morning; I did so, and received it from Miss Deformeaux, and brought it back, and we weighed it together, and found 1lb. 8 oz. deficient, being 24 oz. It was not missing from that sort which was marked, but from two other sorts; I carried the silk back in the state it then was to Miss Deformeaux's house, with Mr. Deformeaux. The prisoner was then in the house; she was brought up, and Mr. Deformeaux desired she might be searched; and after that Miss Deformeaux produced this silk, to the best of my knowledge; yes, it is; I believe Miss Deformeaux had the care of it; I believe it to be the silk I sent in the morning; I compared it then, and it corresponded exactly.

Mr. Knowlys. When you first weighed it, did you make an entry of the weight of it?—Yes.

You judged the deficiency from the entry?—Yes.

Have you that book with you?—No; there is such a deal of silk passes through my hands, it is impossible to recollect without the book.

Court. Can you say without the book, or referring to it, whether any of this silk was missing?—Before I brought the silk from Miss Deformeaux in those bundles that are done up, I saw some missing, and

I mentioned it to Miss Deformeaux at the time.

Mr. Knowlys. He did not mention that before, nor did Miss Deformeaux mention it at her examination.

Have you not since you went down from the bar been talking with Mr. Deformeaux and Miss Deformeaux on this business?—No, I have not; not a word on this business. Miss Deformeaux has mentioned to me that she was exceedingly flurried when giving her evidence. I positively say that was all.

Prisoner. I leave it to my counsel.

The prisoner called eight witnesses, who all gave her an exceeding good character.

GUILTY, 10d.

Imprisoned three months, and fined 1s.

Tried by the first Middlesex Jury before Mr. RECORDER.

323. **DUNCAN CAMPBELL** was indicted for stealing, on the 14th of July last, a leather purse, value 1d. a linen pocket handkerchief, value 10d. a guinea, a half guinea, and two half crowns, and two shillings, the money of William Lovatt.

WILLIAM LOVATT *sworn.*

I am servant to Mr. Waller, at Watford. On Sunday, the 24th of June, I came to town with two horses and a saddle horse; I went to Mr. Thomas's, the Green Man, at Paddington, and put my horses up, and went to bed at eleven o'clock; and in the morning I found somebody had been in the room, and I got up; I missed my purse, containing a guinea and a half, two half crowns, and two shillings, and a pocket handkerchief out of my waistcoat pocket; my waistcoat was on the bed, and my breeches under the pillow that my head lay on. I got up, and waked Mr. Thomas between five and six in the morning; Mr. Thomas has the property. The prisoner

slept below stairs; I went into his room with the landlord, and the prisoner pulled the money out from under the bed upon the sacking, and put it on a table. I asked him if he had my handkerchief? he said, he knew nothing about it. I examined the bed, and shook the handkerchief out of the pillow-case.

Was all the money that you lost in the purse when found?—Exactly the same. I gave these things to Mr. Thomas; he has kept them since.

Mr. Knowlys, Prisoner's Counsel. How long had you known the prisoner?—He lived at Otterspool a year before.

You was friends with him?—Yes.

You used to joke together?—No.

You had not got tipsy this day?—No.

Not a little?—No.

Did not you acknowledge in the morning that you did not think he meant to rob you, and that you would take your money, and would be contented?—No.

Did not you say so?—I do not recollect.

Should you have prosecuted him if Thomas had not forced you, and insisted on your prosecuting him?—Thomas did not insist.

Who had him taken up?—Mr. Thomas.

Did not Thomas insist that you should prosecute him?—Never.

How long had you known the prisoner?—Three quarters of a year.

Court. Did the prisoner know you was in the house?—He spoke to me in the evening, and asked me how I did; that was all that passed.

JAMES THOMAS sworn.

I keep the Green Man at Paddington; Lovatt informed me, about five in the morning, that he had been robbed, and I searched the servants' apartments, and found nobody had been out; I went into the prisoner's room, and he was in bed; I asked him if he had not slept up stairs? he said, no; (I understood he was to have slept up stairs the night before.) I went up into the room where the postboy slept,

and brought a little cane down, and asked him if it was his? he said, yes; I pulled him out of bed, and I believe struck him; he begged for mercy, and said he had done wrong, and would give up the property; he searched his pockets, but could not find it, and then he went to the bed, and brought the purse out from under the bed, and laid it on the table. The prosecutor said, there was a handkerchief; the prisoner said, he knew nothing of it. The prosecutor took up the pillow-case, and shook it out.

Mr. Knowlys. You was very angry?—Yes, I was.

The postboy was not so angry?—No, Sir, he did not seem so.

The postboy was willing to go, and take no more notice of it?—He was.

You thought it was right to prosecute him?—Yes, I told him to prosecute him.

(The property produced, and deposed to.)

Court to Lovatt. What was your reason for not wishing to prosecute?—I did not understand the law.

Prisoner. He took two shillings out of my pocket.

PRISONER'S DEFENCE.

I found this purse, and took charge of it till the morning, and was threatened to have my brains knocked out. Lovatt said he was satisfied. Thomas said, you fool, we will prosecute him. The postboy went away to Watford, and Mr. Thomas went to fetch him to prosecute me.

ALEXANDER WEATHERLEY

sworn.

I have known him between ten and eleven years, an honest character.

CAMPBELL *sworn.*

I have known him fourteen years; he always bore an honest character.

JAMES

JAMES BROWN *sworn.*

I live in Conduit-street; I have known him four years, a very honest character.

RICHARD DAVENPORT *sworn.*

I have known him between ten and eleven years; he behaved honest always.

JOHN MENZIES *sworn.*

I have known him eleven or twelve years, an honest character.

Mr. Weatherley. The prosecutor said, Thomas led him into this hobble; it was entirely at his instigation.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

324. **JOHN FAIRBROTHER** was indicted for feloniously stealing, on the 26th of August last, a pair of linen sheets, value 5s. and a linen pillow case, value 1s. the property of William Hastings, in a lodging-room.

WILLIAM HASTINGS *sworn.*

I live at No. 11, Chichester-rents, Chancery-lane. On the 25th of August the prisoner agreed with me for a room; he took the key, and put some things in the room; it was furnished; I lost a pair of sheets and the pillow-case; the things were missed the next morning after he took the room, and taken from him by the beadle.

SARAH MOULDS *sworn.*

I lodge in the prosecutor's house; I shewed the prisoner the lodgings, and put the sheets and pillow-case on with my own hands. The next morning the prisoner came in, and went into his room; and the prosecutor desired me to stop him if he came down with a basket in his hand. I saw the things after they were taken from him.

JOHN WILLIAMS *sworn.*

I am beadle of the Rolls liberty. I was

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coming up Chichester-rents, and Mrs. Hastings had hold of the prisoner; she desired me to call the constable. I took the bundle out of the prisoner's hand; there was a pair of sheets, wrapped up in a green baize; there was no pillow-case that I saw. I gave the property to the constable, and he gave them to the prosecutor. (The sheets produced, and deposed to.) The bundle was under his arm, and he had a basket besides.

PRISONER'S DEFENCE.

I went up stairs into the room, and brought the sheets down for the gentleman to air; they were damp, and I gave them to her on the stairs.

GUILTY. (Aged 61.)

To be privately whipped, and imprisoned three months in Newgate.

Tried by the second Middlesex Jury before Mr. RECORDER.

325. **JOHN YOUNG** was indicted for stealing, on the 23d of August last, a cornelian seal, set in gold, value 5s. the property of Henry Robins.

HENRY ROBINS *sworn.*

I am an auctioneer in the Piazza, Covent Garden. I lost a cornelian seal, set in gold, out of an iron safe, out of the counting-house adjoining my house. The prisoner is a carpenter; he with his master had been at work four days; the prisoner was left alone. I left my key in the iron safe, and went out. I saw the seal a month before. I saw the seal at the office before the magistrate; Mr. Heather had stopped him; it is a white cornelian seal, set in gold; I have no doubt it is mine; it is a very remarkable seal; I had it engraved myself.

JOHN BECK HEATHER *sworn.*

I live in Long-Acre; I am a pawnbroker. The prisoner brought the seal, and

H said,

said, he had found it two days before at Temple-Bar. I told him, I would go to Sir Sampson, and see if it was advertised, and if there was any reward, he should have it; and going through Broad-Court, he made a sudden stop, and said, he would go no further. I then suspected him, and took him to Bow-street; he said there, he had found it. I have known the man several years; he has worked for me; I had no suspicion he had stolen it at first. He has a wife and four children. Mr. Robins was sent for, and owned the seal. I have had it in my custody ever since. This is the seal.

Prisoner. I am very sorry for what I have done; I never was before a magistrate before.

Prosecutor. He is an old man, my Lord; I wish to recommend him to your Lordship and the Jury as an object of mercy.

The prisoner called two witnesses, who gave him a good character.

GUILTY, 10d.

Tried by the first Middlesex Jury before Mr. RECORDER.

Court to Prisoner. Your offence has been attended with some circumstances of aggravation; for a man who is employed in the manner in which you was, though not a direct servant, it comes very near to it; and it is very difficult to guard our property against persons that are let into our houses; and the Court would have been disposed to have treated your case very seriously, but we flatter ourselves it is the first time; the sentence of the Court therefore is, that you be confined one month in Newgate, and be fined one shilling.

326. THOMAS SMITH was indicted for burglariously and feloniously breaking and entering the dwelling-house of Mary Banbury, widow, about the hour of two in the night, on the 5th of August last,

and burglariously stealing therein one feather bed, value 20s. a feather pillow, value 12d. a bolster, value 2s. two woollen blankets, value 10s. a bed quilt, value 10d. a cotton window curtain, value 6d. two pair of snuffers, value 4d. a brass pestle, value 4d. a brass mortar, value 8d. a looking glass, value 2d. a cotton bed-gown, value 18d. and a handkerchief, value 6d. her property.

MARY BANBURY *sworn.*

I am a widow. I keep house near Cannon-street turnpike, by St. George's in the East; it is a little tenement by itself, with a garden. I was not at home, I did not sleep at home; nobody was in the house but my furniture; I frequently went on a visit; I had left it for a whole month, and no servant. I left the keys with a neighbour; I set no time for coming back; I used to come back frequently; I came home about eleven o'clock on the 9th, and found the street door had been attempted in five places, which appeared to be wrenched; then the bed-room window was broke, and forced in the brick work; I left all safe when I went out; they had taken out the brick work and the window frames, and got in that way; I missed all the articles in the indictment; they were all in that bed-room. I have seen them since at the rotation-office, the day I came home, at Mr. Staples's office. My bedding and bolster were ordered me back; the pillow is here. I know nothing of the prisoner.

GEORGE DAWKINS *sworn.*

I am a victualler in St. George's, near to this prosecutrix's; I had the care of her house the 21st and 22d of July, and I left the key at a neighbour's house, named Pratt, where she ordered me, and fastened the house myself, and every thing was there and safe. I know nothing of the prisoner.

JOSEPH PRATT *sworn.*

I received this key the 21st or 22d of July, from Mr. Dawkins, either Wednesday

day or Thursday, and I kept the key till Mrs. Banbury called for it. I never saw the state of the house; I live 3 or 400 yards off. I gave her the key about eleven o'clock, the 9th of August.

JOHN RILEY *sworn.*

On the 4th of August, about eleven at night, I was called out of my own house by a watchman, who is not here, and Mr. Story and me found another house broken open. We went across the fields, and between two and three in the morning we met the prisoner and another man with the goods in the indictment; the other man made his escape; they were close together; we met them by the halfway house in Stepney-fields; he was going from Mrs. Banbury's house quite a different way; I suppose he was a quarter of a mile from the house; Mr. Story and Mr. Whitfield were with me. This is the property we found on the prisoner; it was inside the bed, wrapped up in the blankets and sheets. This property dropped from the man who made his escape. I left the prisoner in custody of Mr. Story, who was with me, while I and Whitfield went after the other. The man that escaped had this long chisel, which matched with the place where the door was wrenched. I went to the house the Wednesday following; I did not hear of it before; the door of the house was wrenched in two or three different places, and the window broke open. It was between two and three in the morning when we met him; it was very dark that morning, I could not see the man that escaped; he got into a potatoe field.

Court. Might it not be three in the morning?—It might.

Was there not light enough to distinguish the features of a man?—Yes, when we laid hold of him. I have had the care of the things till now.

GEORGE STORY *sworn.*

I am a victualler. I was out with Riley; we met the prisoner at the halfway-house in Stepney-fields, opposite the door.

I do not know Mrs. Banbury's house. Another man was with him; they were walking close together, and talking; we took all these things from them, and the chisel from the other man. It was very dark indeed.

THOMAS WHITFIELD *sworn.*

I am a brazier. I was with the two last witnesses. (Deposed to the same effect.)

(The property deposed to by the prosecutrix.) One of the candlesticks she had had thirty-five years.

PRISONER'S DEFENCE.

I was hired as a porter to carry the things.

The prisoner called one witness to his character.

GUILTY of stealing, value 39s. but not of breaking and entering. (Aged 61.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

327. **MARGARET PITT** was indicted for stealing, on the 17th of August last, two gold mourning rings, value 20s. the property of Patrick Sheer; a pair of silver shoe-buckles, value 6s. and a table-spoon, value 6s. the property of James Pearce.

JAMES PEARCE *sworn.*

I live in Drury-lane; I am a baker. The prisoner lived servant with me about four years; she was out of place, and came to my house, and eat and slept there; she was there ten days or a fortnight; my wife discharged her on suspicion of stealing two rings. I know nothing of the rings, having never seen them. She was taken up on the 2d of August; she was searched, and the rings found upon her, and some spoons and other things; she said, they were mine;

mine; she acknowledged all the things were mine. I promised to forgive her. I had a great opinion of her.

Mrs. PEARCE sworn.

I am the wife of the last witness. She was always made welcome. They were in a top drawer, which was unlocked; I looked into the drawer, and missed the things; they were not my rings, they were left in my care.

Mr. Garrow, Prisoner's Counsel. Except the particular inscription on those rings, you have no other knowledge of those rings?—No.

JOHN FURNEUX sworn.

I am a constable; I had a search warrant against the prisoner; I went to Mr. Bennett's, where she was in service; I told her I had a search warrant; I searched boxes; I do not know that they were her boxes of my own knowledge; I searched her pockets, and found this duplicate, which describes a pair of buckles pawned in the Strand. The landlady said, the boxes were her's; I took the keys out of the pocket of the prisoner. I found two gold mourning rings. The prisoner said, the rings were Mrs. Pearce's.

Mrs. Pearce. I know the rings. (The rings produced.) Upon this ring is Isabella Duff, and the other is Jane Shields.

Mrs. AGNES HERVEY sworn.

I left these rings with Mrs. Pearce five months ago.

(The rings depoted to.)

Mrs. Pearce. I never saw the rings, or other property, during the time the prisoner was in the house.

Prisoner. I am innocent.

RICHARD WILLIAMSON sworn.

I am a pawnbroker; the prisoner at the bar brought me these buckles on the 9th of August; they were left for 6s. 6d.

Mrs. Pearce. (Deposes to the buckles.) I left one of the buckles in the glass drawer, in the children's room; the other was in a beaufet in the parlour. I had no present use for the buckles, as I was in mourning.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice GROSE.

328. WILLIAM WATTS was indicted for stealing, on the 31st of May last, a pair of breeches, value 1s. a shirt and handkerchief, value 2s. and other things, the property of John Love.

JOHN LOVE sworn.

My Lord, the prisoner at the bar came to me in May last, at Shacklewell; he was very destitute; I took compassion on him, and kept him five or six days. I work in the brick fields; I went out to work at four o'clock, and left him in bed. He came to me at six o'clock; I gave him the key to go and fetch some pieces of iron hoop to make a fire-place; he staid an hour and a half; I went after him, and found the key of the door in the door, and I missed the things. I found him at West End; he had my breeches, shirt, and handkerchief on his back. The constable took him with the clothes on.

Mr. ALMS sworn.

I took him into custody; he confessed the taking them away. I took him before Master Montague.

PRISONER'S DEFENCE.

I worked at the white-lead mills, at Hoxton, I asked him to lend me some clothes, to enable me to get a place; I met him some time after as I was coming to town to make him

him satisfaction, and he took me into custody.

GUILTY.

Fined 1s. and imprisoned six months.

*Tried by the first Middlesex Jury before
Mr. Justice GROSE.*

329. JOHN PURDIE was indicted for stealing, on the 19th of August last, nine copper halfpence, value 4½d. the property of William Adam.

WILLIAM ADAM sworn.

I live in Grafton-street, the prisoner lived with me as porter; on the 19th of August, having some reason to suspect him, I marked three shillings worth of halfpence, I told him to take care of the shop while I went into the yard; when I returned I missed nine halfpence; I sent for a constable, who searched him and took him to the watch-house; I was not in the yard three minutes, he was not entrusted to pay or receive, never bought or sold goods: I missed goods several times before.

THOMAS DALTON sworn.

I found these halfpence on the prisoner.

(The halfpence produced and deposed to by the prosecutor.)

Prosecutor. Those halfpence that are here I marked twenty-four by the letter of the alphabet, and some by numbers, those which I found on the prisoner correspond with the nine missed.

The prisoner called five witnesses who gave him a good character.

GUILTY.

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. Justice GROSE.*

NUMB. VII. PART I.

330. CATHERINE SWEET was indicted for stealing, on the 29th of July last, a silver watch in a shagreen case, value 30s. the property of Margaret Wilson, widow.

MARGARET WILSON sworn.

I live in Exeter-court, in the parish of St. Clements Danes; I have known the prisoner some years past, she left her husband, I supported her, she did not lodge in my house, I fed her from the 16th of July to the 29th, I did not miss any thing during that time; I missed the watch an hour after she was gone, I laid the watch upon the table; as soon as I missed it I went after her directly, I found her in her lodgings in Bennet's-court, I begged her upon my knees to give me my watch, I told her no harm should come to her; she would not tell me where the watch was: her husband's name is John Sweet. My reason for putting it on the table was, she sat on the chair next to the place where I used to hang it up, so that induced me to lay it on the table.

ROBERT BERESFORD sworn.

This woman came to me and desired me to apprehend the prisoner; I did so, and searched her, and found the duplicate of the watch.

THOMAS WALKER sworn.

I live with Mr. Moulds, I saw the prisoner at our house on the 29th of July, at seven o'clock in the evening, she pledged a watch, I lent her half a guinea on it.

(The watch produced and deposed to.)

Prosecutrix. It was left me about eight years ago by my sister-in-law.

The prisoner called five witnesses to her character.

GUILTY of stealing to the value of 10s. 6d.

Fined 1s. and imprisoned twelve months.

*Tried by the first Middlesex Jury before
Mr. Justice GROSE.*

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331. MARY

331. MARY-ANN BUTTERS was indicted for stealing, on the 24th of August last, a cloak and gown, value 3s. and a pair of men's shoes, value 1s. the property of William Nisbett.

ELIZABETH NISBETT *sworn.*

I left this young person in my house to make a cloak and bonnet, she went away on the 24th of August, I saw the prisoner on the 27th; I missed my cloak and gown, and a pair of shoes of my husband's; I went to the pawnbroker's on missing my things, I found them at a pawnbroker's in Oxford-street.

ROBERT RIX *sworn.*

I am servant to Mr. Shore, pawnbroker, Oxford-street, the prisoner, I believe, pledged a silk cloak on the 24th of August in the afternoon.

(The cloak produced and deposed to.)

Nisbett. I know the cloak by the two pieces on each side.

HENRY POPKIN *sworn.*

I live at Mr. Hill's, pawnbroker; the prisoner pledged this gown with me for 6s. on the 24th of August.

(The gown deposed to.)

JAMES SLADE *sworn.*

I apprehended the prisoner the 27th of last month, I searched and found the duplicates of those things.

GUILTY, 10d.

Fined 1s. and imprisoned six months.

Tried by the first Middlesex Jury before Mr. Justice GROSE.

332. ELIZABETH GULLIVER was indicted for stealing, on the 1st of September, one stuff gown, value 3s. one linen gown, value 6s. a pair of stays, value 8s.

two aprons, value 2s. a pair of stockings, value 12d. three handkerchiefs, value 2s. a shawl, value 2s. a silk hat, value 5s. a shirt, value 2s. five caps, value 3s. the property of Susannah Blakeway, spinster.

SUSANNAH BLAKEWAY *sworn.*

I lived in Parker's-lane, the prisoner robbed me of all my clothes; I went there on Thursday, I went to sleep with the prisoner, I did not know she was a girl of the town, I never knew her before; another girl that I have not caught, enticed me to this prisoner's lodging, it was about three in the evening, in the afternoon, I paid the landlady of the house three-pence for sleeping there; I lighted on the girl in the street, and asked her for a lodging, and she took me to this lodging; I went to bed when it was getting duskish, at about ten I awakened, and missed my things; I awaked about ten, and found my things gone; the prisoner would not go to bed, but she was in the room, when I awoke; the prisoner never came back, and in the morning I went and told the landlady, and she said I should have taken better care of my things; I lost the things in the indictment, I had nothing left but my shift, and stockings, and cap, an handkerchief, and an old petticoat; I came from Shropshire on Saturday to get a place; I took the prisoner the next morning at the top of Parker's-lane, but I cannot read, she had my cap and ribbon on, and my pocket in her pocket; another girl and a man lodged in the same room with the prisoner, I went from the lodgings only in the morning; two young men at the public-house told me to go to Bow-street, it was as soon as they opened the windows, a woman told me I was got into bad company, but the prisoner and the girl said, I need not take any care of my clothes.

ROBERT BERESFORD *sworn.*

I am a constable; on Saturday, the 3d of September, I was sent for to apprehend the prisoner, this girl was sitting on the bed, and had nothing but her shift and an old green

green petticoat, and a kind of a ragged shawl; I went into a back room, and the prisoner was there, and the girl said, that is my cap and ribbon, and in the prisoner's pocket was this girl's pocket.

(The things depoted to.)

PRISONER'S DEFENCE.

The other girl and a man took my cap away, and gave me this cap and ribbon and pocket, instead, I put it on, I did not know whose it was.

Constable. She said they had sold the things for nine shillings, and were gone into Kent.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

333. SARAH GARDINER was indicted for stealing, on the 4th of August, two linen sheets, value 6s. a cotton counterpane, value 12d. a tea kettle, value 6d. and two flat irons, value 12d. the property of William Vyse, in a lodging-room.

Mrs. VYSE sworn.

The prisoner took my one pair of stairs back-room at three shillings and sixpence per week; she was backwards and forwards for three weeks, I missed nothing till after she was gone; we missed the things in the indictment, we found them at the pawnbroker's.

EDWARD SWAINE *sworn.*

I am a pawnbroker; in June, July, and August last, the prisoner pledged the things in the indictment at my house. (The counterpane produced and depoted to.) One of the sheets was pledged the 16th, another the 20th, and the counterpane the 23d of June.

ABRAHAM BARREAU *sworn.*

I am the constable, I took her, she ac-

knowledgeed that every thing that was produced was Mrs. Vyse's.

PRISONER'S DEFENCE.

I did it through distress, my husband was very bad in the hospital, he is dead since I was here; I have no witnesses but myself and God.

GUILTY.

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. Justice GROSE.*

The said Sarah Gardner was also convicted on another indictment for a larceny.

334. JAMES CANE was indicted for feloniously stealing, on the 17th of August last, one cloth coat, called a box coat, value 20s. the goods of Richard Evans.

RICHARD EVANS *sworn.*

I am a hackney coachman. On the 17th of August I sat down a fare in Hound-ditch about half after nine. Helping my fare out of my coach I lost my coat off my box; I was opening the coach door, I left it on my box. Mr. Tipper, at whose door I put down my fare, said, he would go and see if he could find it; he did, and fetched back the lad and coat in the course of six minutes. I did not see him take it.

—— **TIPPER** *sworn.*

I am a constable, I live in Hound-ditch: I was sitting in my house on Wednesday, the 17th of August, and I heard the coachman say, I have lost the coat; I went to the door, and told him not to make any noise, and I would go and endeavour to see if I could find the party. I ran up Woolpack-alley, into Gravel-lane, and so into Petticoat-lane, and enquiring, a party told me they had seen such a person go into Shiman Lally's, the nick name of Solomon Isaacs. I went to the house, and the door was fast; I knocked at the door, and this Shiman

Shiman Lally's son, a lad about nine or ten years of age, came to the door and let me in, and I directly rushed into the room, and there saw the prisoner at the bar, sitting down in a corner of the room with the coat; he was sitting on part of it; there was nobody but him and the lad that let me in. I took the prisoner and the coat to the watch-house. As I was coming along he told me I had better take the coat and let him go; that was all he said.

How long might you be doing this?—About six or eight minutes.

How far is Shiman Lally's house from where the coat was lost?—Not above thirty or forty yards.

(The coat produced, and deposed to.)

PRISONER'S DEFENCE.

I happened to come that way, and I know Shiman Lally, my mother buys her lemons of him, and I went to tell him my mother was sick, and would not want any more lemons, and I happened to sit down by the coat; but I know no more how the coat came there than you do.

GUILTY. (Aged 19.)

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

335. ALEXANDER DEMPSTER was indicted for feloniously stealing, on the 20th of July, fifteen pounds weight of sugar, value 12s. the goods of John Potter.

VALENTINE ROSE *sworn.*

I am shopman to Mr. Potter, Bishopsgate Without, No. 40, grocer and tea-dealer. On Wednesday, the 20th of July, about nine in the evening, I was serving a person, and the prisoner at the bar was walking by the door in the street, upon the pavement, for some time, and when I had

served the customer, he attempted to take a loaf of sugar that was standing on a chest of tea about two yards in the shop; after that, just as I had served the woman, he came and took it off the chest, and ran out, and I ran after him, and I apprehended him immediately. He just ran round the window, and got up a passage, and a person stopped him with the loaf, and he threw it down, and the person marked it in my presence; I saw the loaf of sugar on the ground close by, but it was rather dark in the passage; I did not see him drop it, it was about six yards from our shop, up Catherine-wheel-alley. I am certain to the boy.

THOMAS SOUTHALL *sworn.*

I produce the sugar I received from Mr. Rose.

(Produced and deposed to.)

GUILTY, (Aged 14.)

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

336. ROBERT WILLIAMS was indicted for feloniously stealing, on the 27th of August last, one cornelian seal, set in base metal, value 2s. the goods of Owen Evans.

OWEN EVANS *sworn.*

I am clerk to Mr. Williams, Breadstreet, a silk manufacturer. On Saturday, the 27th of August, between the hours of nine and ten, going along Newgate-street, nearly facing Warwick-lane, a person coming by made an attempt at my watch, it was the prisoner. I had a friend with me, and I turned round instantly, and followed the prisoner, and began to search him, and the first thing I found in his hand was my seal: I then examined my pocket, and found the watch was there, and the chain had broke. The constable has the seal.

WILLIAM

WILLIAM HUGHES *sworn.*
I was in company with Mr. Evans, he called out that that man had taken his watch. I turned about with Evans, and saw him take the seal out of the prisoner's hand.

(The seal produced by the constable, and deposed to.)

PRISONER'S DEFENCE.

I was coming down Newgate-street, and I met these two gentlemen together, I went to pass between them, and having a wooden leg, I slipped, and I caught hold of the gentleman's chain. I gave him the seal immediately, he hardly held out his hand for it, while I was on my knees.

MARY WILLES *sworn.*

My husband is a master taylor, and has employed this young man, he lives at No. 20, Market-row, Oxford-market; he has employed him occasionally these nine years; he was always very honest, he employed him five weeks ago.

JAMES COX *sworn.*

I am a book and printseller, No. 4, High-street, St. Giles's; the prisoner lives the very next door to me, a very honest man, I have known him upwards of two years; he is a taylor, a single man.

THOMAS BOYD *sworn.*

I am a shoemaker, I have known him eight years, a very honest character.

WILLIAM POTTER *sworn.*

I am a hair-dresser, No. 12, High-street, Bloomsbury; I have known him fifteen months, a very honest man.

JOHN LIPSCOE *sworn.*

I am a shoemaker in Stacy-street, No. 1, in New Compton-street; have known him above two years, a very honest man.

GUILTY. (Aged 24.)

Transported for seven years.

Tried by the London Jury before

Mr. COMMON SERJEANT.

NUMB. VII. PART I.

337. **JOHN HERBERT**, otherwise **WILLIAM MUGGLESTONE**, was indicted for that he, with one George Hannay, did assault Samuel Watson on the King's highway, on the 27th of July last, putting him in fear, and feloniously taking from his person, and against his will, one steel watch chain, value 6d. a stone seal, value 2d. a key, value 2d. a hook, value 2d. his property.

The witnesses examined separate.

SAMUEL WATSON *sworn.*

Court. Was you ever before a court of justice?—I took an oath at Bow-street; I am fourteen next March; I have always been taught, that if I swore false, I should go to hell. I take care of a bookseller's shop, in Fleet-street.

Are you an apprentice?—No.

Whose shop do you take care of?—Mr. Davison's. I was coming home on Tuesday or Wednesday night, I think it was; it was between nine and ten, in July, I think the 27th, facing St. Clement's church; the prisoner crossed upon me in the Strand, and said to a man that was behind, Bob, this is not the way we are going; it was opposite to St. Clement's church-yard. The prisoner turned round, and fronted me, and held me in his arms, while the other man put his arms round my waist, and got hold of my watch-string; the other man that pulled at my watch-string ran away; the chain broke; I lost a steel watch chain, all the chain went, and a stone seal set in metal gilt, and a watch-key and hook. I held the prisoner till Mr. Hutchinson took him from me; I had not seen them converse together before, nor had I seen the prisoner before. I was particularly careful that evening in keeping my coat over my fob. The prisoner held me down quite fast with his two arms round my body; he endeavoured to put them over my arms as much as he could. I held him by the leg till Mr. Hutchinson came up. People were passing, but no crowd.

K

Nobody

Nobody interfered; the place was remarkably clear.

Mr. Knowlys, Prisoner's Counsel. Did not you say at Bow-street, that it was in the Strand, opposite St. Clement's church?—It was opposite the church-yard.

What you said at Bow-street was read over to you?—Yes.

And you signed it?—Yes. I might say St. Clement's church, being so very near the church; it was in the very narrowest part of the Strand.

He could not well get out of your way when he turned round?—He might have got out of my way.

He caught hold of you round the body?—Yes.

That he might do to save himself from falling?—Yes.

He was near falling, I believe?—Yes, he stooped a little; he did not fall; he was very near falling.

At this instant, you say somebody made a pluck at your watch?—Yes.

The person that snatched at your watch offered you no violence at all?—None at all.

This person was very near falling?—Yes, and he made me fall.

You have seen persons fall in like manner?—I have seen them fasten upon one another.

JAMES HUTCHINSON sworn.

I am an oilman. I know the prosecutor. On Wednesday, the 27th of July, about nine in the evening, I was returning from Chelsea, and opposite St. Clement's church the prisoner was a little before this young man, and another behind him; this young man was in the middle, and another behind him; the prisoner turned round, and said, Bob, this is not our way home, we will go the other way; the prisoner turned round, and took hold of this young lad, and the other made a snatch at his watch. This young lad called out, my watch, my watch, murder, my watch. I tried to catch hold of the other, but he got away; then I took hold of the prisoner, while the prosecutor held him by the leg. While I was trying

to catch the other, the prisoner begged hard to get away, and said, it was not him who robbed the lad. I at that time held him, and asked the churchwarden to go for a constable; he staid about half an hour; I held him all the time. The constable's name was Talboys. I went with them, and put the prisoner in the watch-house, and next morning he was taken before a magistrate.

Mr. Knowlys. Were there a great many persons passing at the time?—A great many.

The lad was moving towards him?—He was two yards from him.

The lad could hardly avoid running against him?—He could very easily avoid it.

Have you not seen that accident frequently happen?—Never.

Did not the prisoner at the bar almost fall?—No.

Indeed?—Indeed, not to my knowledge. When the lad laid hold of his leg, he jostled him.

Did you make any offer of this kind, the lad saying that he belonged to reputable connections, that you would discharge him if he could bring any reputable connections?—No.

Court. Should you know the other man again?—Why, I could not swear to him; he was a short man, with a round hat.

Did the prisoner, at the time this happened, give any account of the other man?—He called him by his name, which is in the indictment.

JAMES TALBOYS sworn.

I apprehended the prisoner; I received him from Mr. Hutchinson; I searched him, and found nothing on him.

Prisoner. I leave it to my counsel.

The prisoner called five witnesses, who all gave him a very good character.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Recorder.

338. **WILLIAM TRISTRAM** and **JOHN BERRY** were indicted for feloniously stealing, on the 25th of August last, a black gelding, value 5l. the property of John Cull.

JOHN CULL sworn.

I lost a black gelding on the 25th of August, Thursday; I had it down in a little field that I rent of Mr. Hickfield, at Hol-laway, in the parish of Islington; I saw it there at night, about eight o'clock on Wednesday night; I missed it on Thursday morning. I had one more in the same field; that was left. I recovered it at Clerkenwell, near eleven o'clock the same day that it was lost; I saw it in the hands of Benjamin Smith; he buys horses to kill.

How did you know the gelding to be yours?—The hair was off the rump, and one of the eyes almost beat out; I am sure it was my gelding; I have no doubt of it at all; I value it at 5l.

BENJAMIN SMITH sworn.

I am a horse-slaughterer. Tristram came to me the 24th of last month, Wednesday, and told me, that he had got a relation had got a horse at the Angel, at Islington; and after that, he told me, it was a prig'd horse, meaning a stolen one, and he did not know how to get rid of him. He said, dead or alive, it would come to about 15s. I went to acquaint our inspector of it; he was going out, he said, for a little way. Tristram and Berry came afterwards to me, at Sharp's-alley, between eight and nine in the evening, and they both asked 24s. for it, and said they would come in about ten minutes after; Berry rode on the horse, the other walked. I detained them both, and the horse, at my stable, in Sharp's-alley. The prosecutor had the horse away with him before the magistrate; they were taken before the magistrate that morning by ten o'clock. He said, it was his property. They desired the horse might be killed, and Tristram represented the prisoner as his cousin, and that the horse must be slaughtered. Then the men were fully committed.

MATTHEW BILBY sworn.

I searched one of the prisoners before the magistrate, and found a chisel on him; and he said, he bought the horse the other side of the water; he was committed for a further examination. I found the owner on Clerkenwell-green; I shewed him the horse, and he owned it. The prisoners were committed, and the prosecutor had his horse again.

JOHN McCLEVERS sworn.

I am a watchman. On the 26th of August we heard a large spanking horse coming down Cow-cross towards Sharp's-alley; we saw the horse coming down. He said to me, this is the horse I suspect to be stolen. Berry was on the horse; the other man beckoned to Tristram to come under the gate-way; he took the horse, and tied it up against the door. They would not tell to whom the horse belonged. They were taken into custody.

Prosecutor. The gelding had not been taken out of the field for a fortnight.

PRISONER TRISTRAM'S DEFENCE.

A young man was going to his father's, to the harvest, and we accompanied him; and returning home, we found this horse was drinking at the pit at Islington; and we said, we would take him to the green-yard; we were taking him to the said green-yard, and this gentleman, Benjamin Smith, stopped us, and said, it was too soon to take it to the green-yard, and offered us a shilling to let him have it. A man came, and said, he wanted something to drink; says Smith, if you will stick to me, and say, these two lads stole this horse, we will have plenty of drink. His character is very well known in the neighbourhood, but we are poor men.

Prisoner Berry. I say the same.

**WILLIAM TRISTRAM, } GUILTY,
JOHN BERRY, } doeth.**

Tried by the first Middlesex Jury before
Mr. RECORDER.

339. **HENRY COX, ROBERT CLARK, JOHN ROBSON, and JOHN JONES** were indicted for feloniously assaulting William Dawson, on the 18th of August last, in a certain field and open place near the King's highway, and putting him in fear, and feloniously taking from his person, and against his will, a watch, with the inside case made of silver, value 30s. a chain, value 1s. a canvas bag, value 1d. nine guineas and four shillings in money, and a bank note, value 10l. and a black leather pocket-book, value 6d. his property.

And **THOMAS COPE** was indicted for feloniously receiving the said watch, knowing it to be stolen.

WILLIAM DAWSON *sworn.*

I am clerk to Mess. Cox and Bridge, army agents in Craig's-court, Charing-cross; on Thursday morning about a quarter before nine, on the 18th of August, I was coming from Chelsea, in Five-fields-row, to my own house in Craig's-court, I was stopped by a man in a jacket, not a sailor's jacket; it was on the foot-way, there was a bank on each side, the carriage road on the right, and on the left, about the middle of the field, a man came to me with a bludgeon to my head, and desired me to stand and deliver; he took from me my watch, a canvas bag and nine guineas, and four shillings in silver, and a pocket-book containing a ten pounds bank note, No. 1064; he was a middle sized man, I was so terrified I could do nothing; I went back about one hundred yards, and told some people, I saw but one when I was robbed, but I saw three more running; on the Saturday morning afterwards I saw my watch, it was brought to me at my house by one of Sir Sampson's men; about a week after I saw the note, I could not see the colour of the man's jacket, because it was dusk.

Mr. Schoen, Prisoner's Counsel. You are near sighted, I believe?—I am certainly, but I had my spectacles on as I have now, I saw the man running about fifty yards off.

JOHN CREEDLAND *sworn.*

I am one of the patrols from Bow-street; on the 18th of August, about ten at night, on Thursday, I heard of the robbery; on Friday I went to Richard Acton, about eight in the morning, he produced the watch a few hours after he had told me of the robbery; on the recovery of the watch the next morning, I apprehended Jones in the Almonry, Westminster; and the same day in Covent Garden, I apprehended Cox; there was an offer of favour made to Cox, and he signed a paper before the magistrate; I went with him privately, it was not before it was reduced to writing, but that writing is not here, I saw him sign the paper.

Mr. Schoen. You are an officer, and frequently attend at this court?—Yes, Sir.

Do not you know that there is 160l. depending on the conviction of these men, between you and your fellow thieftakers?—I have heard such a thing, that there was a reward to be given.

Do you know that the reward was 160l.? That I do not know, for I have not reckoned it up; the common saying is 40l.

RICHARD ACTON *sworn.*

I am a soldier of the Duke of York's regiment; I was going down by the Horse-shoe, and was called in by James Daubigny, it was the 19th of August, I believe Friday, it was about eleven o'clock; I bought a watch of Thomas Cope; he asked me twenty-five shillings, and I gave him two half guineas; Cope begged of me to let nobody see it, and I came out of the house directly; Creedland came to me the same day, and I gave him the watch.

JOHN CANTLING *sworn.*

I am a hackney coachman; Cope and Robinson got into my coach, in King-street, Westminster, on the 19th, on Friday, a little after twelve in the morning; they told me to drive them to the Tower, and stop at Johnson's court, Charing-cross; they got out there, and then told me to drive to the Savoy, and got out there; then they told me to go on to the Tower, but I could not get through Temple-bar, and they told

told me to drive to King-street, Soho, and from thence to the Horse-shoe, in Tothill-street, Westminster; they paid me four shillings, and could not get change for a guinea, and sold a watch for two half guineas, to one Aston a soldier; he gave two half guineas to Cope, and received the watch from him; Cope took the watch out of his pocket, Robson had nothing to do with it, he had the guinea.

Mr. Schoen. Did you know those men before?—I never saw them before, but I am sure they are the two men.

JOHN BROWN *sworn.*

I am a waiter at the Old White Horse Cellar, Piccadilly: on Thursday the 16th of August last, between nine and ten in the evening, (I am sure it was on a Thursday, and on the 16th, as near as I can recollect) a coachman called out waiter, and I went to the door, and he told me some gentlemen in a hackney coach wanted me, and Robert Clark put his head out of the coach, and asked me if he could have a post-chaise; I said he could; he got out and gave me a ten pounds bank note, and told me to give him change first; it was between nine and ten, about a quarter before ten; I told him it was too late; he said I must have change, I am going down the road to my captain, to Exeter: I got him change, and he gave me half a crown; the gentleman who changed it has got the bank note; then I asked him if I should get the post-chaise, and he said no; and then he got into the hackney coach again, and drove to Whitcombe-street, there were some others in the coach, but I do not know them; I am sure of the person of Robert Clarke, I had known him for two years, I do not know that he follows any business.

Jury. Did not you suppose him to be a soldier?—Yes, but I did not know him to be of any trade.

HENRY CLUNE *sworn.*

I keep a public-house, the Coach and Horses, Piccadilly, I changed a ten pounds note on Thursday the 18th of August, about ten.

NUMB. VII. PART I.

(The note produced.)

JOHN DUNFEE *sworn.*

I keep the Highlander public-house, the corner of Whitcombe-street; on Thursday, the 18th of August last, between the hours of ten and eleven at night, three men came into my house, one of them I can swear to, which is Clarke; one I am doubtful on, which is Cox; and I think Robson was another. They asked for two shillings worth of salmon, and had two or three pots of porter, and five slices of bread, a quartern of brandy, and sixpennyworth of rum and water; they staid about twenty-five minutes, and paid their reckoning, and went away; they were gone before eleven, and might come about half after ten. I knew Clarke before, I never saw Robson before, but I took particular notice of Robson, because he was a particularly likely young man. I am not positive to Robson.

SARAH BEACH *sworn.*

I keep a public-house, the Bell, in Prince's-street, Westminster: I found a pocket book in my parlour on the 18th of August. The young man they call Robson had been there before that day, with two more, whom I do not know; I can swear positively to Robson. I kept the pocket book till a person called for it, I cannot say who it was. Nobody said any thing to me, but they all three went into the parlour, and I saw it there on the seat when I went in for the candle, about two minutes after they were gone; they staid about five minutes. I found it on the seat where the other two were, sitting whom I did not know. I knew Robson before. The room had been empty an hour.

RICHARD SIMPSON *sworn.*

I am a soldier in the first regiment of foot-guards. On Friday morning, August 19, I was coming past Johnson's-court, Charing-cross, Cope and Robson were getting out of a hackney coach; they asked me to go in and drink with them at the Mitre, which I did; during that time Cope pulled
L a watch

watch out of his pocket, and said they had made it last night, with a 10l. Bank note, and nine guineas, among four of them, in the presence of Robson; and they asked me to ride with them to Tower-hill in a coach, and I rode with them to the Savoy, and Robson and Cope got out there, I thought myself in bad company, and went away. It was a green cased watch, and a dent on the inside; I think I should know it again, (*looks at it*) I really believe it is the same watch. They were both very much in liquor, but I will not positively swear to it; there was nobody in the coach but Robson, Cope, and me.

EDWARD HUGHES *sworn.*

I am one of the patrol belonging to Sir Sampson Wright; I knew Clarke very well, and I apprehended him, on the 5th of September, at Norwich, and brought him to town.

ROBERT BURZEY *sworn.*

I am a shoemaker by trade, I was at the city of Norwich, and was the cause of Clarke's being apprehended; I saw him in the custody of Hughes.

Prisoner Clarke. I wish to ask that witness, whether he means to have any part of the reward?—Not any of it, I do not expect any.

JOHN SHALLARD *sworn.*

I only know of the apprehension of Jones, on the 20th of August.

THOMAS TING *sworn.*

I apprehended Jones on the 20th of August.

(The watch deposed to by the prosecutor.)

Maker's name Berry; I cannot say the number of it, it had another chain, but I can with safety swear to it, I have worn it thirty years.

(The Bank note deposed to by the prosecutor.)

I took notice of the number at the time, it is entered in this book by the clerk; he is not here, but I know his hand-writing, I was present at the entry. I kept the note in my pocket book all the time.

PRISONER ROBSON'S DEFENCE.

I leave it to my counsel.

ISAAC WILKINSON *sworn.*

Gave Robson a good character as a foldier.

PRISONER COX'S DEFENCE.

I found this watch in the Five-fields-lane, without any chain in the world; I could hear of no owner.

PRISONER CLARKE'S DEFENCE.

On the 14th of August I received a letter from my wife's brother to go to the Bull in Bishopgate-street, to receive 4l. I went there, and received it of the waggoner; I was to go down with my wife to see her friends at Norwich. I went away on Friday the 19th.

The prisoner Clarke called one witness, who gave him a good character.

PRISONER JONES'S DEFENCE.

I am innocent, I have not acquainted any of my friends and relations; I was at the Marquis of Granby's, in the Almonry, Westminster, on Thursday night, the night of this robbery; I was not out of the house, and I never drank nor saw any of these men before to my knowledge, till after I was apprehended.

PRISONER COPE'S DEFENCE.

I went to receive my pay, on Friday the 19th of August down Bird-cage-walk, and I met the prisoner Cox, who had the watch in his pocket. He said he had found it, and he asked me if I knew any person that wanted such a thing; and I went with it to Mr. Steel's, in the Almonry, and they refused to take it in; and I went to a man, and he did not want such a thing, and I bought

bought it of him; and sold it afterwards to Afton for two half guineas.

ROBERT CLARKE, GUILTY, Death.

HENRY COX,
JOHN ROBSON,
JOHN JONES,
THOMAS COBE, } NOT GUILTY.

Tried by the second Middlesex Jury before Mr. RECORDER.

Jury. My Lord, we wish to recommend Clarke to mercy.

Court. On what ground, as I am obliged to state it to his Majesty in Council. Settle that among yourselves.

Jury. Only as his person not being sworn to on the robbery, only having the property in his possession, and also on account of his youth.

340. ROBERT RALPH was indicted for feloniously stealing, on the 14th of August last, four ounces of silver wire, value 20s. the goods of Peter Bateman and Ann Bateman, widow.

FRANCIS RISK *sworn.*

I am a silversmith, a journeyman to Mr. Peter and Mrs. Ann Bateman, silversmiths, Bunhill-row; I had a bit of silver to mount a ten inch waiter, which I sawed off, and I could swear to it; I do not know of my own knowledge that any silver was lost, but after I had done with that piece I put it into a box, which we usually do; and then perhaps we never see it more. I did not know any silver was lost till I was told it was taken away.

Do you know at present whether your master has lost any silver at all?—I cannot say, but I can swear to a piece of silver found in that man's possession to be once my master's property.

Was it told by you or by any of the servants?—I cannot say it was or was not.

What was the prisoner?—He was a journeyman to my master.

When do you suppose this was taken away?—The prisoner left work there about six o'clock on Saturday the 13th of August.

Mr. LEBROWN *sworn.*

I am journeyman to Messrs. Bateman; I cannot swear positively to the silver.

Do you know whether they have lost any property?—Yes, my Lord, they have lost it; because the constable has it in his possession, and the prisoner was journeyman to Mr. Bateman, and on the 13th of August was at work there, and left work about six o'clock in the evening. On Sunday morning, the 14th of August, I was sent from home to come to Mr. Bateman's. Coming there, I saw the prisoner with the constable, and the man whom he had been offering to sell it to, Abraham Emanuel. Some of the men were sent for, who swore positively that it had been taken out of the shop; for they had been at work upon some of it.

CHARLES WARE *sworn.*

I am journeyman to Mr. Bateman. On the 10th of August, there was a bit of silver given to Mr. Risk to mount; and the foreman after that would not have it done with that bit, as he had altered his mind. I took notice of it; and I never saw it any more, till I saw it before the Lord-Mayor.

Are you sure that the piece produced before the Lord-Mayor was the one you saw on the 10th of August?—I have not the least doubt of it.

Did you ever tell this piece of wire?—Never.

JACOB PRIOR *sworn.*

I am journeyman to Mr. Bateman. I saw the same piece of silver.

PARKER *sworn.*

I had this piece of silver wire to turn up, and I never saw it again till the 15th of this month.

ABRA-

ABRAHAM EMANUEL *sworn.*

I live in Houndsditch, in Five-ball-court; I am a draper. On the 14th of August, I was going out between seven and eight in the morning, and the prisoner at the bar hallooed *Hoy, Hoy*; I turned about short, and asked him what he wanted; he said, he had some silver to sell. I asked him to shew it me; he pulled it out of his waistcoat pocket. I asked him, if he had any more of it; he said, he had about 40 or 50 ounces more at home. I asked him where he lived; he said, he lived in Brick-lane, Piccadilly, at one Mr. Carter's. I was going along Duke's-place at this time, coming out of a place of worship. I asked him, how he came by it; he said, he brought it from Birmingham. I told him to stop a little there, and I would fetch a man that would come and buy it of him. He stopped there; and I went, and fetched a constable.

What became of the silver?—He had it all the while himself. The constable's name is Davis; he took him into custody, and took him to the Compter.

Prisoner. I met that person, and asked him to buy some silver. He asked me, what I would have for it; I told him, a guinea. He said, he would give me half a guinea. I told him, I would not take it; and with that he got a constable, and took me into custody.

SOLOMON DAVIS *sworn.*

I am the constable of Duke's-place. Emanuel came, and told me, there is a man stands there that has got some silver to sell; and he told me where he stood. I went up to the prisoner at the bar, and asked him, what silver he had got to sell; he took some out of his waistcoat pocket, and said, he had got 40 or 50 ounces more at home. I asked, how he came by it; he said, he brought it from Birmingham, and it was better than the London silver; and said, if I chose to go home with him, he would shew it me; he said, he lived in Brick-lane, Piccadilly. I was going home with him; and when I came to the Poultry, I

put him into the compter. When I came to the Poultry, he said, for God's sake let me go, and take the property to yourself; and when he was at the compter, he said, he lodged in Whitecross-street; I forget the name of the court; I went to the house, and his wife was at home; and I asked her, if she knew any thing about her husband having any silver about him; and I learned from her, that he worked for Mr. Bateman, Bunhill-row.

(The silver produced, and deposed to.)

PRISONER'S DEFENCE.

That silver I bought of a man at a public house, in Houndsditch; that man said, he had brought it from Birmingham.

The prisoner called four witnesses, who gave him a good character.

GUILTY, (Aged 38.)

Transported for seven years.

Tried by the London Jury before
MR. COMMON SERJEANT.

341. MARY JONES was indicted for feloniously stealing, on the 10th of September, a silver watch, value 48s. a steel chain, value 4d. a steel seal, value 1d. one guinea in gold, and 14s. in silver, the goods and monies of John Yates, privily from his person.

JOHN YATES *sworn.*

Last Saturday, the 10th of September, I was in the prisoner's lodging-room, in Turnmill-street, and it was between ten and eleven o'clock; I met with the up above St. John's-street turnpike; she asked me to give her something to drink, the first thing she said to me; and I denied her at first; and she told me she had got a room of her own, and she would give me a night's lodging if I would go home with her. I agreed to go home along with her, to have a night's lodging. I went home with her.

her. I felt my watch and my money in my pocket when I was in the room; I continued there, as long as I can guess at it, I might be there half an hour; and she asked me, whether I should be against giving her half a crown, for the night's lodgings. I told her, I could not afford 2s. 6d. I thought 2s. was enough. She got the money out of my pocket, and then went down stairs immediately.

You felt it in your pocket just before?—I did.

And you missed it directly afterwards?—I did. I had got my shoes off towards going to bed. I lost her for that night; I put my shoes on again, and went out of the room, and went out into the street, and I met with the watchman, and went to the watch-house, and there I staid all night. The next morning I went home, and put on a fresh coat, and about nine o'clock I saw her come out of the yard into another yard, and I followed her, and caught hold of her, and told her, I would swear she was the woman that robbed me; she said, she was not the woman; that she had a husband, and if he heard what I said, he would murder me. A mob came about, and I gave it up, and told her, if she was not the woman, she was very much like the woman; and presently she called me out of the company, and told me, she wanted to speak to me, and she told me, there was another woman in that neighbourhood very like she, and she would see what she could do in the course of the day, whether she could get my watch or not for me. She went round to a little public-house near Hicks's Hall, and there she told me, if I would meet her at seven o'clock in the evening, she would see what she could do in getting my watch again. She met me there according to her promise, and told me, if I could produce half a guinea, she could produce my watch. I told her, I could not then; but if she would give me liberty, I would try if I could make a friend, to let me have half a guinea, and she promised to meet me again at nine o'clock. I went to the beadle of the night-watch for advice

what to do in it, and he told me, I had no occasion to give half a guinea, he would try and get my watch back, and it may be some of my money, for nothing. Presently the girl was in the street, at the beadle's door, and he took her up, and sent for a constable, and I swore to what I lay to her charge; and I am very sure that this is the girl.

Court. Was you drunk or sober?—I was a little fresh in liquor, but not drunk.

Had your ever seen her before?—I had not, to the best of my knowledge.

How can you be sure to remember her person so well?—We had a candle all the time, and I was not drunk; I was with her in the room about half an hour.

Have you ever seen your watch since?—

Yes, she produced the watch that night after she was taken up, in a house where she was taken to; she either produced it, or ordered it to be produced. The man is here who brought it to me.

Prisoner. Did not you tell me, you was not sure I was the woman?—I always said, I was sure, my dear, you was the woman.

Court. Are you sober now?—Yes; I have had hardly enough to keep body and soul together; I have been obliged to pawn my coat off my back, and my working tools, for support.

THOMAS CROSSLEY *sworn.*

I am beadle of St. Sepulchre's Without; that night the last witness was robbed, he came into our watch-house, and staid all night. In consequence of his description of the woman, we went, I and the constable, and could not find her. About seven or eight in the evening of the next day he called again, and she came by, and I took her up. When she was in my custody, she desired to speak to a woman. I kept her there for three quarters of an hour. We thought it was time to take her to prison. I had occasion to go to the door, and there were two or three fellows about, and I thought that they wanted to pick my pocket, and they put the watch in my pocket, wrapped up in paper. The constable has it.

FRANCIS WILKINS *sworn.*

I am a constable. The watch was delivered to me by the last witness. (Produced, and deposed to by the maker's name, John Selby, Cirencester.) I searched the prisoner, and found six-pence, and some halfpence, and a thimble, and I returned them to her again.

PRISONER'S DEFENCE.

On Sunday morning I met this man in Cow-crofs, in the open street; he tapped me on the shoulder, I turned about, and he said, that he believed he had been in liquor, and had been with me the over night, and he had missed his watch and some money, and that he believed it was me. I told him he was mistaken, I was not the person, and this brought a mob about us; and with that he was frightened, and walked off. He asked me to go a little way with him, and I did; and he said, if I could hear any thing of his watch he would give me half a guinea, and would make me a present for his money. He met me again at seven o'clock, and I told him I had heard nothing of it.

GUILTY of stealing, but not privately.
(Aged 28.)

Transported for seven years.

Tried by the London Jury before
Mr. Justice GROSE.

342. FRANCIS TRAMP was indicted for feloniously stealing, on the 24th of December last, one feather bed, value 3s. one feather bolster, value 2s. one pillow, value 6d. two linen sheets, value 4s. two blankets, value 4s. a pair of iron tongs, value 3d. an iron poker, value 3d. and other things, the goods of John Herne, in a lodging-room.

JOHN HERNE *sworn.*

I keep a house in East Smithfield, and let lodgings. The prisoner came to me about five weeks, as near as I can speak, after

last Michaelmas; he had one apartment at 3s. a week; he might continue about seven or eight weeks; he went away the day or two after Christmas. It was a furnished apartment; these things, all of them in the indictment, were let with the furniture; I found it out about a day or two after he went; he took away the key, and locked up the door, and left about half his lodging unpaid. On the Christmas morning I went up, and gave them a glass of gin, and told them to get my money as soon as they could; they said, they would. The next day morning I went up, and the room was locked up. I found an iron saucepan, a gridiron, and bolster, pawned with Mr. Hill.

ROBERT HILL *sworn.*

I produce a gridiron, a pillow, and an iron saucepan, which I received from the prisoner in pledge on the 1st of December. I really think it is the man, but I cannot positively say it is, it is so long ago.

Have you any doubts?—No.

The prosecutor came for the things on the 22d of May.

(Produced, and deposed to.)

PRISONER'S DEFENCE.

There are many saucepans marked like that; and in regard to the sheets, there were two blankets, but no sheets at all. As he was very sharp for his rent, and I being something behind hand, and he threatening me to padlock the door, and he being very sharp with me, and I being dubious of losing my two or three trifles, my working tools, and so I left the room, but I left the key in. I never had any poker nor flat-iron in the room; but I left every thing in the room as I found it, and rather more.

GUILTY. (Aged 74.)

Whipped, and imprisoned three months.

Tried by the first Middlesex Jury before
Mr. RECORDER.

343. JOHN

343. JOHN WHEELER was indicted for feloniously stealing, on the 28th of July, 28 yards of printed callico, value 46s. the goods of Thomas Clarke, privately in his shop.

THOMAS BOYD *sworn.*

I am apprentice to Mr. Clarke. On Thursday, the 28th of July, between the hours of seven and nine, Mr. and Mrs. Clarke, a shopman, another apprentice, and myself, were in the shop, a man came in, and said, shopman, your shop is robbed; I immediately jumped over the counter, and ran to the gateway, and perceived the prisoner at the bar walking up the middle of the gateway; our shop is one door from the gateway; our corner is the corner of High Holborn and the corner of Drury-lane. As soon as the prisoner at the bar perceived me following, he slept into a corner of the said gateway, and dropt the piece of printed callico from under his coat (it was out of paper, loose) on the pavement; I saw it fall from under his coat; I took it up, and have kept it ever since. I marked it in the shop D. J. T. Boyd, D. J. being the private mark what it cost. D. J. was on before, but not my writing; it is Mr. Clarke's own hand-writing. We had only a piece and a half in the house of this pattern, and this is the piece, and the half-piece we have left. I had seen it in the morning, and this happened between the hours of half past seven in the evening, or near eight, as near as I can guess. I am sure this was put up in the morning against the door; I did not put it up, but I saw it. He was committed the next day, as it was too late that day to be examined.

Mr. Garrow, *Prisoner's Counsel.* On the next day, when he was committed, he was committed on suspicion, I observe?—I cannot really say what he was committed on.

That is not what I ask you; I ask you, whether he was not committed on suspicion for stealing these goods?—I do not know that.

How many people serve in your shop?—

Five of us.

The last you had seen of this piece, was when you had made up your shop for the morning?—Yes.

So there had been twelve hours for these five persons to serve in the shop, and you had not missed any thing till the alarm was given you by the other man, and there is none of the other persons who served in the shop here?—None of them.

I observe, that is not an uncommon pattern?—I never saw it before, as I know of.

Do you mean to stake your credit upon that?—Yes, I will, that I never saw the like pattern before nor since.

Probably it might have been made on purpose?—I cannot say.

Attend, young man; do you mean to say, that you have the smallest conception that that piece and a half was made for your master, and then the blocks were broke?—I do not think that; we had two pieces at first.

Who had you it of?—I cannot tell.

It is rather a favourite pattern for furniture?—It is a very pretty pattern.

Do you mean then, Sir, now to repeat it, that you do not know there was any more than these two pieces made; would these two pieces be of any value to the manufacturer?—Most certainly not.

Must you not be certain of that?—Yes, to be sure, I must.

You have told the learned Judge at first, that the private mark was the hand-writing of your master; will you venture to swear it?—If you will give me leave to look at it, I will tell you. *(Looks at it.)* I will swear it to be my master's hand-writing. I am so accustomed to his hand, that I can swear it.

Did you know this man before?—I never saw him before in my life, as I know of.

You are the only person here from your shop?—I am.

JOHN LEDWIN *sworn.*

I am an hardware man; on Thursday the 28th of July I went into Mr. Linch's, just by Mr. Clarke's, nearly opposite, in Broad St. Giles's; I saw a man walk from the door, and putting a bundle under his arm,

arm, he was passing by the window from the door, I did not perceive him inside the door; I went to the shop door, and called shopman, your shop has been robbed, and went on, and followed the man to the corner of the court, where he turned down; the shopman run past me, and laid hold of him, I saw the piece drop, and the shopman picked it up, I was not near enough to see where it dropped from, and I helped to carry the man to the house; the prisoner is the man.

Mr. Garrow to Boyd. Which of your masters was it that made this mark?—I have only one master.

What is his partner's name?—He has none.

EDWARD TREADWAY *sworn.*

I was sent for to take the prisoner into custody, and he was committed on suspicion, and August the 2d examined again, and committed on suspicion again.

Prisoner. I leave it to my Counsel.

The prisoner called five witnesses who gave him an excellent character.

GUILTY. (Aged 21.)

Of stealing, but not privately.

Transported for seven years.

Tried by the first Middlesex Jury before
Mr. RECORDER.

344. **SARAH CAHALL** was indicted for feloniously stealing, on the 29th of March last, a dimity petticoat, value 7s. a pair of cotton stockings, value 18d. the goods of Mary Harrison, spinster.

MARY HARRISON *sworn.*

I live in Foster-lane, Cheap-side, the Sun Tavern, the prisoner was my fellow servant for one month and three days; on the 29th of March I lost a dimity petticoat and a pair of stockings, and other articles not found; I found them at Mr. Berry's, the

pawnbroker's, Ludgate-hill, she left the place the latter end of March, about the 17th day, I recommended her to my lodgings, and my box was broke, and these things were lost; I did not lodge in my place, it was in Green Dragon-court, No. 2, she was very much distressed, being turned away at a minute's warning, and the constable having her in custody, and finding the duplicate, he sent for me.

PHILIP CROCKFORD *sworn.*

I live with Mr. Berry, Ludgate-hill, pawnbroker, I produce a petticoat and pair of stockings, I received them of the prisoner, on the 29th of March, at our shop, by the name of Mary Cox, I took them in myself, I am sensible it is the woman I took them in off; I lent her 8s. upon them.

(Deposed to.)

—— **BUNNY** *sworn.*

About the 2d of August last, I went with the prisoner to Mr. Berry's, and there I found the things now produced; I took the duplicate from the prisoner myself.

PRISONER'S DEFENCE.

It is my own petticoat, the constable knows I took him to where my gown and coat were made, and the constable knows that the person at home said, that they had made a gown and coat for me, but that her mother was gone to Brighthelmstone; the constable knows they belong to me. My Lord, I have a very good defence; the prosecutrix and I lived in a place together, and I told my mistress I would not live in one house with her; I said she was not a natural woman, and I would not sleep in one bed with her; and so it is through spite that my prosecutrix has taken me up, and brought me here.

GUILTY, (Aged 25.)

Transported for seven years.

Tried by the London Jury before
Mr. COMMON SERJEANT.

The next Part will be published in a few Days.

THE
TRIALS AT LARGE
OF THE
CAPITAL and other CONVICTS,
ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middlesex*,
HELD AT
JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 14th of SEPTEMBER, 1791, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Honourable John Boydell,
LORD MAYOR OF THE CITY OF LONDON,

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

NUMBER VII. PART II.

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M D C C XCI.

[PRICE TWO SHILLINGS.]

T H E
TRIALS AT LARGE,
 OF THE
CAPITAL and other CONVICTS,
 ON THE
**KING's Commission of the Peace, Oyer and Terminer, and
 Gaol Delivery for the CITY of LONDON, &c.**

345. **W**ILLIAM ROSS was indicted for feloniously stealing, on the 18th of July, sixteen copper-plate prints, value 30s. two drawings in chalk, value 2s. four other drawings, value 4s. one drawing in India chalk, value 6d. the goods of Thomas Simpson.

THOMAS SIMPSON *sworn.*

I live in St. Paul's Church-yard, I am a printseller, the prisoner at the bar is my prentice, he has got three or four years to serve; on the 18th of July I came home after having been out of town for two or three weeks, I heard I had been robbed, before which I had no suspicion at all that he had robbed me; upon which I went over to a neighbour, which is in court, Mr. Carr, and desired him to come over to me, whilst I asked the prisoner a few questions; I had him called, and there he confessed he had robbed me.

Before he confessed, did you make him any promise?—No, none, directly or indirectly.

Mr. Garrow. My Lord hath taken the pains to ask you whether you made any promise to induce him to make this confes-

sion, but I being particularly instructed, must press that question at this time a little farther; at this time, a Mr. Carr and Mrs. Hughes were present?—I believe they were.

You believe they were! Did not you say that you went out and asked Mr. Carr to come in?—But then I have my doubts respecting the other person, Mrs. Hughes.

Try to recollect yourself then, whether she was there?—She was.

Was a man of the name of Hopkins present?—I believe he was.

I wish to know when you called him up, whether you did not say this to him: "I suppose Ross you know on what business I have called you, and the best recompence you can make is, that you discover the whole, that I may recover my property, and then I will not prosecute you?"—I did in part, but not in the whole.

What part do you own?—I did not give him any promise that I would not prosecute him or take him up.

Will you swear you did not make him the most unqualified promise that you would not prosecute or take him up?—I did not.

Mr. Simpson, having set out that you did not promise directly or indirectly, be so good
 to

to tell what profession you are?—A drawing-master.

Be so good to recollect your own phrase, how you expressed yourself, the very words.

Court. Recollect, before he said any thing to you, what were the words you made use of to induce him to confess?—I told him, Ross, I hear that you have robbed me, I should be glad if you would let me know how much you have robbed me of; and I think he asked to be forgiven, and said if I would forgive him, he would never do the like again; I likewise asked him where my property was, and he told me.

But before we get to this, he put one question to you, which was, what did you say to him as an inducement?—I told him I would be as merciful to him as I could.

Mr. Garrow. After we had got so far, Mr. Tomkins a schoolmaster might come in?—I believe he might.

Was not this said by Mr. Tomkins to the prisoner, your master has promised exceeding fair, if you will tell what you have done, and where you have sold them, he will not take you up, it is your best way to tell every thing, and I will stand by you, and be your friend?—I believe he might say part, but I did not hear all.

I will read it to you again, it is not any conjuration of mine, Mr. Simpson?—He did not say that all in my presence.

What was not said?—He never said in my presence, he would not take him up.

Well, I will read it to you with that part struck out (Reads it;) do you agree to it now?—I do.

Court. After this do not tell us any more what the young man said.

Simpson. I went with the prisoner to the place where he sold the things, apart; I went to St. Giles's, to Mr. Cox, a printseller and bookseller, and found I believe two prints, but I cannot say what they were, there was a drawing also in chalk; I left them there, the two prints, but I brought the chalk drawing away, because I paid for it; I left word also with Mrs. Cox, he being not at home, to desire her husband to lock up the prints he bought of the prisoner: accord-

ingly the next day Mr. Cox came with sundry prints and drawings which he bought of the prisoner, which are in Court; I found they were my property, and sent for an officer, and took the prisoner up, and we went before my Lord Mayor, and there I swore to them.

Court. Had you any suspicion of him before?—No, I cannot say I had any well-grounded one.

Mr. Garrow, Prisoner's Counsel. This lad was bound to you in a regular way, so as to be intitled to his freedom, and had served you between three and four years?—Yes.

He understood his business very well?—He did.

Have you employed him since he was in custody?—I did since he was in custody, in order to employ his mind.

I believe it was part of your contract to find the young man with clothes?—It was.

You performed it, I take it for granted?—I hope I did.

Then he did not want for any thing?—I do not know that ever he did.

Had you never any complaints upon this head?—I had one complaint from his father.

How long ago?—Not a great while ago, five, six, or seven months ago.

The complaint was, I believe, that he would carry you before the Chamberlain, to make you perform your contract; his father said he wanted shoes and stockings and the like?—His father did, and I said to him, Mr. Ross, I am very sorry you should come to me to ask me for such things as these, when your son has bought himself better things than I wear myself, better hats, and boots he has bought himself at twenty-five shillings a pair.

On your oath, did not you find that whatever he did take, was to provide himself with clothes?—I did not know it was.

Do you mean to say that you always found him; hath any application been made to you to furnish us with the address of a witness present at a conversation in order that we might subpoena her?—Yes, an application

plication was made, but Mrs. Hughes had been out of town for some days.

You did not tell where she might be found?—The person would not wait for an answer, but went away immediately.

Do you mean to swear that the person who brought the subpoena, and anxious for the attendance of the witness, and desirous to know where she might be found, went away without an answer?—He went away without furnishing me with an opportunity of saying where she lived.

The person that brought the subpoena had two or three in his hand, and he asked for Mrs. Hughes; the reply was no, she does not live here; then he asked where did she live?—He did not upon my oath.

Nor where she was to be found?—No.

Did you give any information?—No.

Then you did not say she does not live here, but you may find her at such a place? I had not the least idea of a subpoena.

She was one of the witnesses present at the no promise made either directly or indirectly.

—— COX *sworn.*

I live in High-street, St. Giles's, I deal in prints and books; this young man brought these prints to me, and I bought them, about a fortnight or three weeks before they were found; I gave him about 52s. for the whole. The first lot he brought he said he had more to sell; I asked him why he did not bring them altogether? He said, he would when he had copied them off; he said he lived in Holborn. I delivered the prints to Mr. Simpson; I attended before the Lord Mayor with the prints.

JAMES MACGUIRE *sworn.*

I took charge of the prisoner, and took him to Mr. Cox's shop, and found half a dozen prints, and Cox brought some more before my Lord Mayor, and they are altogether here. I cannot pick out the half dozen.

Cox. I can swear to all the prints, of buying them of the prisoner, except one or two.

(Produced and deposed to.)

—— RUTHERFORD *sworn.*

The prisoner bears a very amiable character, I have taught him writing and drawing; he was four years in my house. I give him an excellent character.

GUILTY. (Aged 17.)

But recommended to the mercy of the Court, on account of his youth and good character; also recommended by the prosecutor on the same account.

Privately whipped, and discharged.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

446. RICHARD GARDNER was indicted for stealing, on the 3d of August, a gold watch, value 4l. a base metal watch chain gilt with gold, value 6d. a key, with marquessites, set in mother of pearl, value 12d. the property of Samuel Heavens, in the dwelling-house of Hester Watton, widow.

JOHN WATTS *sworn.*

I am shopman to Mr. Bannister, of Bridges-street, salesman; the movement of this watch I received from the prisoner to make new cases, which watch Mr. Heavens's, the prosecutor, claimed. The prisoner gave me no case with it, it was agreed that I should make him a single metal gilt case to this movement, a new dial plate, and cleaning and repairing, all which came to 20s. He brought it to me on the 10th or 11th, Wednesday or Thursday, and was to receive it on Saturday. He said very likely he should be on guard, and could not come for it. I took a bill of the shop and wrote upon it, the bearer hereof receives this watch by paying the money for it, which was 20s. A soldier came for it, it was not done. On Monday morning the prisoner came for it himself, I saw him myself on Monday morning; in consequence of some information from Sir Sampson's men

men I kept the movement afterwards, and detained the prisoner.

RICHARD PARKER *sworn.*

I am a private in the Coldstream regiment of guards; I saw the prisoner pass a watch out of one pocket to another; he was changing his clothes, it might be about half past five on Sunday morning, the 7th or 8th of August.

JOHN CREEDLAND *sworn.*

I am one of the Bow-street patrol, on the 17th of the last month I was desired to search the prisoner at the Office, I am not positive to the day, I found only money. I went round to search for the watch, and found it at the house of this witness's master on the day after, which was the 18th, when the movement was produced by the pawnbroker. The prosecutor, in the presence of the prisoner, said, this was his watch, and not only that, but he sent down to Bath after the name and the number. The prosecutor saw these movements, and the prisoner said, when questioned about it at that time, not a single sentence to my knowledge; the prosecutor said, in the presence of the prisoner, it was his.

SAMUEL HEAVEN *sworn.*

I am a coach-master, I lost a watch, as mentioned in the indictment, from the Angel Inn, the back of St. Clement's, about the 3d of August. Hester Watson keeps the house, I slept there, and lost it out of my bed-chamber; I do not know the exact day I lost it, I left it in the room on a table by my bed-side; I had not seen it for some days, I think I had it in my pocket on the Sunday before the Wednesday when I lost it, or it may be Friday; the prisoner was billeted at the house; he came very near my room to go to his own, not far off, but not on the same story. I saw the watch at Bow-street about ten days after it was missing; it was only the movements, I could not swear to it without sending to my watchmaker, and he sent me the number to refresh my memory: I recollected the

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maker's name, Philip Page, London, No. 23626; I received this slip of paper inclosed in a letter from Bath. I have recovered nothing but the movement, I have no doubt but it is mine.

PRISONER'S DEFENCE.

My Lords and Gentlemen of the Jury, being quartered at Mrs. Watson's, the sister of Mr. Heaven, at the sign of the Angel Inn, my other comrade was getting up about eight on Thursday morning, the 4th of August last, we both came down stairs in the yard together; I said I must go up the yard, I should soon return; I went with intention to go into the common vault, I found it engaged, necessity obliged me to go into the gentleman's vault; upon entering it I perceived on the side a small parcel of fine paper, which contained the movements of a watch and a chain, without a glass or case; I put it in my pocket, having no time to make any enquiry after it, being almost too late for my duty. It continued in my quarters till Friday the 12th of August, no enquiry was made, I naturally imagined it belonged to some traveller that might have slept at the inn; it was not advertised, nor any enquiry made after it; I took it to Mr. Bannister, to have a case made for it, for my own use, and I agreed to give him 1l. for repairing it; I went into the hospital, in a bad state of health, on Friday the 12th of August, where I continued till Monday the 15th of August, when I was surprized by the serjeant Smith, belonging to the same company, who said I must get up and go with him to Sir Sampson's Wright's office in Bow-street immediately; I called at Mr. Bannister's, in Bridge-street, to see if the movement was repaired; it was not till the day following. I came straight to Sir Sampson's office, when I was charged with stealing a watch, the property of Mr. Heaven. I was examined, and sent down for further examination; I came up the second time, the movement was produced, which I had taken to Mr. Bannister, but my prosecutor could swear to neither the movement nor the number, till he should

B

write

write down to Bath. I was five times examined before I was fully committed, and as Parker, the evidence against me, says, he saw me take the watch from one breeches pocket to another, which he was at some distance when he saw me do it; no words passed between us, I did not know he saw it; had I stolen it, or knew it to be stolen, I never would have gone to Mr. Bannister in the neighbourhood to have it repaired for my use. My Lord, I call God to witness what I have said is true.

Court to prisoner. You found it without glass or case?—Yes.

Jury. Was there no inside case?—No case at all.

Court to prosecutor. The chain of this watch I suppose was fixed to the outside case in the common way?—Yes.

And there was a glass I suppose to the outside case?—Yes, there was one case I did not lose; I used to leave it without the outside case.

Court. Then it was a watch with a case and a chain, without the outside case?—Yes.

Court. Had you ever been to this place?—Yes, but not that morning; I cannot recollect taking it out of my pocket, I very rarely did it.

Might not you leave it there?—Not that I recollect, it is not my custom to do it; if I take it out I put it in my waistcoat pocket.

What is the value of the watch?—Four guineas, or four guineas and a half.

How long have you had it?—I believe ten years, it is quite an old watch.

GUILTY, 39s.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. RECORDER.

347. JOHN TAYLOR was indicted for feloniously stealing, on the 3d of August last, two linen neck handkerchiefs, value

18d. two linen neckcloths, value 18d. two linen shirts, value 4s. a pair of nankeen breeches, value 6s. two linen waistcoats, value 18d. the goods of Thomas Buckmaster: A feather bed, value 18s. a linen shirt, value 3d. a pair of stockings, value 3d. a flat iron, value 3d. a bag of worsted, value 2d. the goods of Jane Cushway, widow.

WILLIAM BUCKMASTER *sworn.*

I live in Ram-alley, Gingerbread-court, Bishopsgate-court; on going into my father's room (he is a shoemaker) on the 3d of August, about four o'clock in the afternoon, I saw this man with a pair of breeches in his hand, and as soon as he saw me he chucked them into the box; he came out into the middle of the room, and I took him by the collar, and called for assistance; my brother came, and I delivered him up to my brother.

Was the door of the room open?—Yes.

What room was it?—The ground floor.

THOMAS BUCKMASTER *sworn.*

I came in and my brother had hold of his collar, and I searched him, and took out of his breeches a shirt, one white waistcoat out of his bosom, two plain long neckcloths, and a half handkerchief; and I took him into the court, and I took another white waistcoat and another half handkerchief. I took him down into the street, and gave charge of him to the officer. I did not find any other things.

Did you ask him any questions?—I did not.

Court to William Buckmaster. Did not you see these things found?—No, I was at the other end of the room.

JANE CUSHWAY *sworn.*

I was out of doors, I can swear to the property.

THOMAS PRICE *sworn.*

I am a constable, I was at the fire in Sun-street, Bishopsgate-street, and I saw this person pass by with a bed, and he dropped a flat

a flat iron, and a bag of worsted from it, and I picked it up, and put them up again, and he went on again; this was about three o'clock. Some time afterwards there was an outcry of a thief; he was then secured; I came up, and took the charge from these young men; says I, you are the young man that passed by with the bed; says I, do not deny it, for I picked up the flat iron. I went to his lodgings, Three-cups-alley, Shoreditch, and I found a feather bed, a pair of stockings, a flat iron, and a bag of worsted.

Mr. Garrow, Prisoner's Counsel. He directed you to the lodgings as soon as you asked him?—He did.

Had he any coat on, or waistcoat?—He had the jacket on he has on now.

Who has the property ever since?

Thomas Buckmaster. I have. (Produced, and deposed to.) I know them by wearing them, and losing such; and an R. D. being on one of the waistcoats.

Is there a person of the name of Taylor lodges in your house?—They live at the top.

They are weavers, I believe?—They are.

And the prisoner is a weaver?—I do not know the prisoner is.

Did not the prisoner tell you he went into the room in a mistake?—He did not.

How came the mark R. D. on the waistcoat?—I do not know.

If any body had asked you, before the waistcoat was produced, whether there was that mark on it, you would not have have known?—No, I should not.

Court. Had you or had you not seen the R. D. before?—I had; I did see it when I bought it.

Court to Mrs. Gushway. Where do you live?—I live up one pair of stairs in the same house as Buckmaster; I am a widow; I was out at washing; I went out between nine and ten that morning; I left these things at home; the shirt was inside the bed, the stockings under it, and the flat-iron by the side of the stove. I am sure of the bed being mine, by patching it; and I am sure all

the other things are mine; and I left all the things at home in the afternoon.

—— BRANTON *sworn.*

I am an East-India Company labourer; I had just parted with Mr. Price, and hearing a bustle, I went again, and saw the prisoner, and went with him to the compter; and from the compter went to the prisoner's lodgings, and saw the bed, and the things in it, tied up in a rug.

Prisoner. I leave it to my counsel.

ANN KUSEY *sworn.*

I live in Acorn-alley, Bishopgate-street. I know the young man by fight nigh on two years; I heard the alarm of fire, and begged the prisoner at the bar to go to Taylor's house, and save what he could. Taylor lodges up two pair of stairs in the same house; I told him. I told him, Bet Taylor's father, Colley's wife, who worked in the same shop with the prisoner at the time; I knew him; and by my mentioning her name, he knew whom I meant. I never heard any any harm by him, nor received any harm from him; he comes from the country; he has worked with my brother-in-law twice, who lives in Angel-alley, Smith's-buildings, No. 4.

Court. You said, you knew the young man by fight?—Only by working at my brother-in-law's.

You are sure you told him Taylor lived up two pair of stairs; you did not say the ground, nor the one-pair of stairs?—Neither.

What time of day was this?—Between four and five o'clock.

Do you mean to say, that this was the time you saw him first, between four and five o'clock?—It was.

But the constable saw him with the bed at three; how long have you known this man?—About two years.

Then you know him more than by sight?—Yes; he used to come to my room to warp his ribbons.

Are you particularly acquainted with him, then?—Yes, Sir, so far as that.

Court.

Court to Price. Do you know when the fire began?—About three o'clock, but it did not break out at Taylor's till between four and five.

Are you sure that you saw him with the bed between three and four?—As near as I can tell, it was.

Do you know whether it was before Taylor's house was on fire?—I cannot say positively, I was so much confused.

The prisoner called three other witnesses, to his character, who gave him a very good one.

The jury went out of Court for seventeen minutes, and returned with a verdict,

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

348. ELIJAH COLLYER was indicted for feloniously stealing, on the 27th of July, one looking-glass, in a gilt frame, value 1s. the goods and chattels of Edward Harris.

EDWARD HARRIS *sworn.*

I live in Sun-street, No. 7; I am a broker. On the 27th of July, about ten in the morning, I returned out of my shop into the back kitchen; in about ten minutes I was called out, to know if I had sold a looking-glass; in about two minutes I came out, and saw the prisoner at the bar with the looking-glass in his hand; I pursued him on the opposite side of the way, that he might have no suspicion of me, and that he might not throw the glass down, and break it. When I came level with him, I immediately ran across the way, and stopped him; he then threw down the glass against my legs; it being a gilt frame, and wire ornaments, and it pitching on the back, the glass did not break at all. I was obliged to let go my hold of him, or step through the glass; I let him go, and he ran about ten yards; I pursued him imme-

diately, and called out, Stop thief; and then a man immediately ran before him, and stopped him; the man that stopped him the second time brought him back immediately. I never lost sight of him. He is the man, I can swear positively.

(The glass produced by the officer, and deposited to by Mr. Harris.)

— PEDLER *sworn.*

I stopped the man, and held him till Mr. Harris came up; and he said, he was the man.

THOMAS SACKWELL *sworn.*

I am the constable of Bishopsgate Without. I had this glass from Mr. Harris, and it has been in my custody ever since.

Prisoner to Pedler. Did you see me throw the glass down?—I did not.

SARAH HARRIS *sworn.*

I saw this young man come off the step of the door with the glass in his hand; the glass before was in the shop; it stood by the side of the bedstead. I am sure it is the young man.

PRISONER'S DEFENCE.

I know nothing about it; I should have had many friends come here, if they had known the prosecutor would carried the cause on.

GUILTY, (Aged 20.)

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

349. JAMES CLEAR was indicted for feloniously stealing, on the 9th of September, one linen sheet, value 2s. the goods and chattels of Joshua Neville, in a lodging-room.

He was a second time indicted for feloniously stealing, on the same day, one silk cloak,

cloak, value rs. the goods of the afore said Joshua Neville.

HENRIETTA NEVILLE *sworn.*

I am the wife of Joshua Neville. Last Thursday was a week the prisoner came to me; I live in Shoe-lane, No. 75; between four and five in the afternoon he came, and asked if I had a lodging to let for a single man, only to sleep in on nights, as he was just come out of the country that day to get work, and never was in London before. He was to sleep in the one pair of stairs, back room, and was to pay two shillings a week, furnished; I found sheets, and every thing. I asked him for a character; he said, he knew nobody in London, and nobody knew him. I said, you look like an honest countryman, I believe you must come. Going down stairs, I asked him his name; he said, William Smith. About eight o'clock he came to sleep; going up stairs, he asked me, which way he was to get out in the morning, as he should be out before four o'clock, as he had got work at Mr. Pinder's, the stone-mason's, the other side of Fleet-market. That rather surprised me; and I told him to tap at the wainscot, and I would let him out. We had a side door; but I thought it was best for him to tap, as he was a stranger. Between four and five we heard him getting up, as we lay under him. My husband got up to see if he went to Mr. Pinder's; and when he came down, finding he could not get out, he tapped at the wainscot, and my husband went and let him out, and looking after, found he went towards Holborn instead of going the other way. He ran up stairs, and finding the sheet was gone, pursued him.

JOSHUA NEVILLE *sworn.*

I am a tin-plate-worker. I got up before the prisoner some time; about a quarter of an hour before five; the prisoner got up about five. When the prisoner came down, he went backward to see if that was the way out into the street; but finding it was not, he came in, and tapped at the

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wainscot. When he tapped at the wainscot, I let him in, and I looked about him to see if I could see any thing that he might take with him; I did not perceive any thing about him, but I let him out. He went the wrong way for Mr. Pinder's; I suspected him by that, and immediately went up stairs, and missed the sheet. I came down, and looked out at the door, and saw him about seventy yards from the house, and I pursued; he did not see me, and he turned up Bagno-court. I overtook him in about twenty yards up the court; I said, countryman, you have got my sheet; he immediately put his hand in to his pocket to give it me; I told him that would not do for me; he must come along with me; and I took him to the watch-house. Mr. Dayton, the constable, searched him before me, and on him was found the sheet, and also a shirt, and a silk cloak.

LAYTON *sworn.*

I am the constable. A little after five o'clock on Friday morning, the 9th, I was discharging the watch, when the prisoner was brought in. I searched him, and found a sheet in one pocket, and a shirt in another, and a silk cloak in his breeches; and in his box two duplicates.

Prisoner. I have nothing to say against the charge.

GUILTY. (Aged 25.)

Whipped, and imprisoned one month.

Tried by the London Jury before
Mr. COMMON SERJEANT.

350. ABRAHAM SWAINE was indicted for feloniously stealing, on the 1st of September, four quartern loaves, value 2s. 2d. the goods of James Dron.

JAMES DRON *sworn.*

I am a baker, the man went out to serve the customers.

C

ALEX.

ALEXANDER STRAHAN *sworn.*

I am servant to Mr. Dron, he lives at No. 18, Minorities; on the 1st of September I was going over Tower-hill with my basket of bread, and my wife overtook me, and I asked her to go with me to Grace-church-street, to see if we could find the person that had taken so much bread from me; we went to Grace-church-street, and I left my basket facing Talbot-court, as usual, and went about the city with some bread; I left my wife in the care of the basket; when I returned, I found four quartern loaves gone out of my basket, and could not see my wife; I was going towards home, and coming towards Talbot-court, I saw a shob, and my wife and the prisoner were together in the mob, and the man was in the constable's custody.

ELIZABETH STRAHAN *sworn.*

I am the wife of the last witness, I was left in care of the basket opposite the Talbot; I saw, about three minutes after my husband went, the prisoner at the bar come and look into it, and then for about half an hour walk backward and forward; at last he went to the basket, and took four quartern loaves, and came right across the street, running to the end of the court where I was standing; I had a little child in my hands about two years old, and I got hold of him by the other, and asked him what he was going to do with that bread; he said what was that to me: I told him my husband had given me the care of the basket, and they were my husband's property; with that he gave himself a sling out of my hands, and I ran after him, and cried out stop thief; and he came to the constable's door, and the constable took him into custody; he was never five yards from me, he carried two loaves under one arm, and the other two on the top of them, and his hands upon that.

EDWARD KEMP *sworn.*

I am a constable; I live in Talbot-court, Grace-church-street; on the 1st of September, I heard the cry of stop thief, and I went to the door, and I saw the man with the loaves under his arm; he laid the loaves

down at the bench at the door, and the woman said he stole them from her husband; if that is the case, says I, he must not go, I shall take him into my possession; I kept the loaves till the next morning, when I went before the Lord Mayor, and then I marked them.

(One loaf deposed to.)

PRISONER's DEFENCE.

I had got an acquaintance a journeyman bakers, he pitched his basket in Grace-church-street, and he sent me to fetch four quartern loaves, and I very innocently went to the wrong basket.

GUILTY.

Whipped, and imprisoned two months.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

351. **MARY SMITH** was indicted for feloniously stealing, on the 25th of July last, eleven yards of silk lace, value 10s. the goods of Thomas Weightman.

THOMAS WEIGHTMAN *sworn.*

I live in Newgate-street, I am a mereer; Mary Smith came into my shop on the 25th of July, early in the morning, about nine o'clock, and asked to see some black lace; my boy shewed her, she asked to have some measured, and while he turned his back to get the yard to measure it, he suspected she stole some lace; she had that however, and paid seven pence halfpenny for it, in the mean time I came into the shop and asked him for some muslin, and she had so much as came to sixpence; she went out of the shop, and my boy told me that he suspected that she stole a card of lace; he ran after her, and brought her back.

THOMAS SLATER *sworn.*

I am shopman to Mr. Weightman; this woman came into the shop about nine o'clock in the morning, and asked for some lace; I asked her to walk in, and she bought about a yard

a yard and a quarter; I turned round to measure it; and when I turned again I suspected her, she having her hand in her pocket-hole; my master came in, and she had fix pennyworth of mullin, and went out, and I told my master, and I went out after her, and overtook her in Pye-corner, and told her my master wanted to speak to her; she said my master might come to her; she came down half way Giltspur-street, and went back again, and went to a house in Pye-corner, and attempted to knock at the door, but did not; and I went to her and followed her down Cock-lane, where I told her what I thought of her; and then she told me she would turn back, and see if master could find any thing on her; with that when I got into Giltspur-street, I went to walk behind her, but she would not let me; so I continued to walk before her, till I got to the New Compter, when there was a woman that came with a basket upon her head, and she appeared to cling close to her side; and just as I came to the corner, she pulled the hand out of her pocket, and threw the lace down in the street, and I picked it up.

GEORGE BARTON *sworn.*

I took the woman into custody, I was sent for to the shop, and the woman and the lace were both there, and she said she was sorry for it, and acknowledged she had taken it.

(The lace produced and deposed to.)

PRISONER'S DEFENCE.

I know nothing of it; I never confessed I took it.

GUILTY. (Aged 21.)

Fined 1s. and imprisoned one month.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

352. JAMES BOUTELL was indicted, for that he, on the 3d of March, in the 16th

year of his present Majesty's reign, in the parish of Great Seaford, in the county of Cambridge, did marry one Catherine Watts, widow, and that then afterward, on the 20th of May, in the twenty-eighth year of his present Majesty's reign, in the parish of St. Sepulchre, feloniously did take to wife Elizabeth Vanhagen, spinster, the said Catherine, his former wife, being then living, against the form of the statute, and against the King's peace.

JOHN SCOTT *sworn.*

I am the parish clerk of Great Shelford, Cambridgeshire; I have my register books here.

Do you know the prisoner?—Right well.

Do you know Catherine Watts?—Right well, I knew her before she married her first husband, I was present at the marriage ceremony of her with the prisoner, she had four children by him, one is alive, and three are dead; he left her about four years ago, at this present time she is alive and well.

Prisoner. I was a child when this happened, not above fifteen or sixteen years old.

Court to Scott. Do you know how old he was?—I do not know, I suppose him him about twenty or twenty-one when he married her; she was in tolerable good circumstances, she kept a shop.

Prisoner. Had not she four children, and beholden to the parish; I wonder how that can be good circumstances.

Court to Scott. How was he married?—By banns.

ELIZABETH VANHAGEN *sworn.*

I became first acquainted with the prisoner about four years ago; I was servant to Mr. Thomas Scofield; the prisoner was a single man, and said, he never was in a church till he went with me. We were married on the 28th of May, 1788. We lived together till this about these ten weeks past. I have had two children by him; but one has since died for want. When he went, he

he said, I should never let sight of him again, as he was going to have another wife. He left me very distressed; I had not above a shilling or two in my pocket. He came, and took the sheets off the bed, and two silver spoons out of my pocket. I walked about afterwards for three weeks or a month, to trace out, if I could find out, where he was.

Prisoner. That good woman knows very well, that I was very much distressed, and I thought to go to sea; and as soon as I got a little money, to come home to her.

Court. What have you to say to the charge?—I liked the girl very well, and did not like the first; and I thought no crime in it.

GUILTY. (Aged 32.)

Fined 1s. and imprisoned twelve months.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

353. MARTHA UPSAM, WILLIAM JONES, and JOHN MONRO, were indicted for feloniously stealing, on the 23d of August, two cotton gowns, value 40s. nineteen yards of printed cotton, value 30s. the goods of Thomas Staves, in the dwelling-house of John Jones.

SARAH STAVES *sworn.*

I live at No. 9, Little George-street, in the Minories; my husband's name is Thomas Staves, a sugar-baker; I live in Mr. John Jones's house. I lost two cotton gowns made, and some callico. I know the woman and the man; the woman was a day apprentice; she had lived with me fourteen or fifteen months. On the 23d of August, she took a gown to No. 29, Cross-lane, on the Monday evening, and delivered it on Tuesday morning; when she came, she said, I must go there to measure a gown and coat of a lady that was on a visit. I went there, and when I came, I found I was not wanted. I came home as

soon as I could, and found my place stripped, and Martha Upsam gone, and two gowns made up, and three pieces of callico not made, nineteen yards, I believe, altogether. I went to see where I could find her, and on Wednesday I found her. I went to a public-house in Story-street, in the Borough, and there I met John Monro, and heard him tell the landlady where my things were, and he told me where my things were, and that he was to be married to her that morning. He did not tell this particularly to me, but was telling it to the woman of the house; and he afterwards told me where they were pawned. I went according to his directions, and found the goods pawned at four different pawnbrokers. An acquaintance of mine went with me, and found out three of them; but a fourth we should not have found out, if he had not gone with me, and shewed me the last pawnbroker's himself, or else I should not have found it. He said, he did not know they were my property; he thought they were her own.

Mr. Garrow, Prisoners Counsel. How long had this woman been in your service? About fifteen months.

You know that this case affects her life, if she was guilty, and above fifteen years of age?—She may be under the age of fifteen.

Mrs. Staves, I believe you made some offers to the father of this young woman, that if he would have paid you the loss, you would think no more of it?—I never did.

Do you know a person in Cree-church-lane?—Yes.

Do you know a person of the name of Hunter in Sugar-loaf-court?—I do.

I would ask you, whether these persons, or either of them, were not authorized by you to mention to the father, that you would give up the prosecution if a certain sum of money was paid?—I was not seen in it.

It certainly was most prudent of you not to be seen in it; but how happened it, that these two persons, or either of them, should apply to the father to make up the loss?—I do not know that any body applied.

Have

Have you never said on this sort to any body?—I only said, it was hard I should lose my property.

And in consequence of that, might it not happen that you might say, that if the loss was returned, you would think no more of the prosecution?—I did not say so.

How often did you go to the father's house before she was taken up?—I was twice there.

Did not you offer to the father, that if your goods were restored, you would not prosecute?—I did not, positively.

What did you go for?—I only went to tell her father that my goods were lost, and that his daughter was missing.

MARGARET JONES *sworn.*

I am wife of John Jones, my husband is a clerk, lives at No. 9, Little George-street, Minories. I was up stairs, putting on my cap, that morning, about ten minutes after her mistress went out, I heard the door flap, and I looked out at the two pair of stairs window, and I saw it was the prisoner, but what she had I cannot tell; I saw the corner of a red handkerchief, but whether it was a bundle or what it was I cannot tell, as her back was to me.

JAMES GOBITAS *sworn.*

I am beadle of Aldgate Ward, I was sent for to Creechurch-lane, to take the young woman up, on the 25th of August, by one Mr. Hunter; they gave charge of her for robbing Mrs. Stavers, and I took her to the Compter, and there she confessed.

Did you tell her she had better confess?—I did not in the least, she said she was very sorry for what she had done, and cried a good deal.

Mr. Garrow. Quite a young girl is she not?—She is.

After that I went over the water, and apprehended Monro the same day: I went to a public-house in Stoney-lane and sent for him, and he said, when the girl and he were face to face, that he was the occasion of her doing it; as to the boy he was drawn in innocently: Monro came in very

willingly, and might have escaped if he pleased, for I gave him leave to go back and put on his clothes.

How came you to take the boy?—I believe he pawned some things.

BRARCH GOFF *sworn.*

I am a pawnbroker in Red-lion-street, No. 30, Whitechapel; on the 23d of August, Tuesday, about eleven or twelve o'clock, the girl at the bar presented a piece of cotton to me, and I left my master, John Goff, to settle with her, he is my brother; I am sure as to the cotton, and the girl, she brought it in the name of Monro; she had 11s. for it. (Produced.) I have a gown, which I took in of the boy, of the name of Elizabeth Jones, of Colchester-street, in the fore part of the day: I am confident of the boy, I finished the business with him. (Produced.)

Mr. Garrow. Your master is not here?—He is not.

You did not know the young woman before?—I did not.

You did not lend her the money?—I did not, but she presented it to me into my hand.

Of course you did not take particular notice of her person?—I am certain it is the same.

JONATHAN MURRAY *sworn.*

I am servant to Mr. Brodie, pawnbroker, Whitechapel; on Tuesday the 23d of August, I took in a gown of the young woman at the bar. (Produced.) I am sure of the person, it was about eleven o'clock in the forenoon.

THOMAS SOWERBY *sworn.*

I am a pawnbroker, No. 105, Whitechapel, I am a servant to Mr. Windsor; on the 23d of August, I think it was in the forenoon, I took into pledge this cotton gown, of a person who called himself John Jones; I cannot swear he is the lad. (Produced.)

CHARLOTTE TAYLOR *sworn.*

I am wife of Mr. Taylor, pawnbroker, Ayliff-street; I took in five yards and a quarter

quarter of cotton of the little boy, on the 25^d of August.

(Produced and depofed to by Mrs. Stavers.)

Mrs. Stavers. She never wronged me of a pin's point before this.

MARTHA UPSAM, GUILTY. 39s.
(Aged 15.)

To be privately whipped, and discharged.

WILLIAM JONES, } NOT GUILTY.
JOHN MONRO, }

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

354. JOHN WOOD was indicted for feloniously stealing, on the 25th of July, one cotton gown, value 7s. one linen handkerchief, value 6d. one check apron, value 12d. the goods of Samuel Swaine.

MARY SWAINE *sworn.*

I am wife to Samuel Swaine, and Mr. Reid lodged at my house; the articles were lost from a lower kitchen under ground, they were washed, and hung up on the line. I lost them the 25th of July, this day eight weeks; I saw them on Sunday night, and they were took away on Monday; I never saw them again except before the magistrate.

JAMES SMITH *sworn.*

I am a journeyman tallow chandler, on the 25th of July last getting up between five and six o'clock to go to work, I saw two young men in the court, Baylis-court, Bell-yard, where the prosecutor lived; one of them was laying across the iron railing over the kitchen window of the prosecutor, Mrs. Swaine; this was the prisoner's companion, I saw him pull up an handkerchief, and give to the prisoner at the bar.

Was it a linen one?—I do not know. The next thing the young man that was laying across the iron railing caught hold of

was a gown by a stick, and get it out, and gave it to John Wood, and John Wood put the gown into his apron that he had on, and tucked his apron round him, and went out of the court. We had to go down stairs before we could come at him, and to go up a bit of a street; we went, and as soon as they saw us one of them ran up Chancery-lane; Wood was standing at a step of a door, tying up the bundle in a handkerchief, in Bell-yard, about one hundred yards from the house, or further. As soon as he saw us he threw his bundle down, and ran down Bell-yard into Fleet-street, and ran across into the Temple, and there we took him, and a boy brought the bundle to me in about ten minutes. I am sure it was the same bundle that the prisoner threw down. It was given to Scammell at the justice's; I had it at the justice's; I gave it to the constable, William Smith, when it was given to me by the young man.

JOHN SCAMMELL *sworn.*

I am a dyer, I was getting up between the hours of five and six in the morning on the 25th of July, Monday. Mr. Smith called to me, and I saw the man laying down on the iron railing, and he took out the gown, I did not see him take any thing else, and he gave it to the prisoner, who put it in his apron, and tucked it round him; we went down and went round, and saw them both at Mr. Brodie's door in Bell-yard. When the prisoner saw us he threw down the bundle, and ran off; we followed him down Bell-yard, and took him in the Temple; the bundle was brought to us by a boy; the bundle was delivered at this time to me from Mr. Smith's hands, the constable. I produce it now.

As soon as the young man gave them you, did you see what was in it?—I did, Mr. Smith opened it, there was a gown, an handkerchief, a check apron, and a pair of worsted stockings in the bundle.

Did you examine enough of the gown at the time the constable opened it to know that the gown carried before the magistrate was the same gown?—I do; and am certain

tain it is the same as was before the magistrate. Deposed to.

The prisoner called one witness to his character.

GUILTY. (Aged 16.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

355. STEPHEN SUFFIELD was indicted for feloniously stealing, on the 3d of September, a pair of silk stockings, value 18d. a pair of cotton stockings, value 2s. two muslin neckcloths, value 18d. a linen shirt, value 4s. a pair of iron buckles, value 6d. one breast pin, set in silver, value 6d. the goods of Richard Matthews.

RICHARD MATTHEWS *sworn.*

I am a journeyman, I am not a house-keeper, I lodge at the Duke of York's Head, Fulwood's-rents, Holborn; this prisoner was quartered there on the 25th of August. My box was broke open, he slept in the house only five nights; I cannot tell when my box was broke, I was at my box the 4th of September, and I found then what I wanted, and on the 11th I made a thorough search, and missed the things in the indictment. The soldier slept in the same room with me when he slept there; I believe he slept there three or four nights, the landlord says five. I had a search warrant on Monday the 12th, and found him at No. 9, Pye-street, Westminster: I found one pair of silk stockings there, and I found the prisoner in the room, he said he was there quartered; the things were hung up on a line, I gave them to the constable, Moore, and he has kept them ever since. I found some other things at the pawnbrokers, who are here. He told me he had sold one of the shirts to a man. I told him if he would own to the things I would shew him what favour I could.

Court. Then I must hear no more about that.

JOHN MOOR *sworn.*

I am constable of St. Martin's; on the 12th of September, about three o'clock, Mr. Matthews brought me the warrant to go to Pye-street. I searched the apartments, and found a pair of silk stockings hanging wet on the line; I found nothing more there, but, after I had taken him, I searched his pockets, and found seven duplicates, two of them of some of the same property, and two others of Mr. Matthews's pledging. I went round to the pawnbrokers, to bring them forward to the examination, and then he was committed.

JAMES KEMBLE *sworn.*

I am a pawnbroker, a servant; I took in this dimity waistcoat, and this fringed muslin neckcloth, of this young woman, Harriott Smith. I took in the waistcoat on the 2d of September, and the neckcloth on the 3d. (Produced.)

JOSEPH TEMPLE *sworn.*

I am a pawnbroker, a servant; I took this striped muslin neckcloth of Harriott Smith, for 15d. and a pair of cotton stockings for 6d. the neckcloth on the 2d and the stockings on the 7th.

HARRIOTT SMITH *sworn.*

I am a married woman; the prisoner used to call sometimes to see my husband, and he came to my house about three weeks ago, and asked me to pledge a pair of silk stockings; I did at Mr. Eldredge's, for 9d. and gave him the money and the ticket into his hand. I pawned also the neckcloth on the 2d of September I think, and I gave him the money and the duplicate.

SARAH WATSON *sworn.*

I am a single girl, the prisoner came up to me on Monday week, and asked me to wash a pair of silk stockings, which I did, and hung them on the line, and this gentleman came up and owned them, as they were wet; he came up some time before, and he gave me a breast pin, which this gentleman owned; and he came to me two

or three days afterwards, and gave me a duplicate of a neckcloth to make me a couple of caps, if I would fetch it out. I delivered it up at Sir Sampson Wright's.

Another PAWNBROKER *sworn*.

On the 1st of September Harriott Smith brought a pair of silk stockings and pawned them with me; on the 12th of September the prisoner came and redeemed them.

Court to Matthews. Are these stockings marked?—No, but I know them to be mine, and can swear to them.

PRISONER'S DEFENCE.

These things that I gave Harriott Smith to pawn were things sent out of the country from my friends from Yarmouth, in the county of Norfolk.

GUILTY. (Aged 28.)

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

356. JOHN PORTSMOUTH was indicted for feloniously stealing, on the 19th of May, a gelding, value 10l. the property of John Wood, Esq.

(The case was opened by Mr. Garrow.)

JOHN GREGORY *sworn*.

I am servant to Mr. Wood; on the 19th of May, Thursday night, the stables were broke open, and the gelding was taken away; I saw it again on the 22d of July, in the possession of Mr. Saunders, I knew it again by its marks, his tongue was very much eat off by a cancer; he had a star in his forehead, and I have no doubt but it was the same gelding, for I could not but know it very well, having the care of it for eight years.

ROBERT BOON *sworn*.

I am likewise a servant of Mr. Wood; I know the black gelding was lost, and I saw it after it was stolen, and am sure it

was the same gelding, as lost from Mr. Wood's on the 19th of May.

THOMAS SAUNDERS *sworn*.

I live in Northampton-street, Clerkenwell; on Friday the 15th of July I first saw the prisoner with this horse in Smithfield-market; I asked him the price of it, and we did not agree at that time; then on the 20th I saw him again at the Horfeshoe-inn, Goswell-street; I bought the horse of him then, and I asked him where he lived; he told me he lived at Edmonton; I asked him how long he had had it, and he said, he had had it ever since May, he had had it for two months, and he had worked him.

Did you ask him where he had got him? —He said he bought him at Godalmin fair, I gave him six pounds for it, after that I had some reason to suppose that it was a stolen one, and about two hours and an half after, a friend and I went with me to look for the man I had the gelding of; and after two or three hours search, I found him in Portpool-lane, he was just going into the Green man; I told him I was afraid he had not come honestly by the horse; he said he did: then we went to a public-house, and had a pot of beer together, and after some more talk, he would not confess but what he came honestly by it; so at length I charged the watch with him, and the next morning he was brought before Justice Clarke, the magistrate in Clerkenwell, and he was sent back again for re-examination.

At the time you took him into custody, you had only a general suspicion?—No, only general; at length Mr. Wood came up and swore to the horse, and he was committed for trial.

Prisoner. I never saw him in Smithfield-market.

Saunders. He is the man I saw in Smithfield.

PRISONER'S DEFENCE.

Please you my Lord, I bought the horse at Godalmin fair, the Monday before I saw this man.

Court:

Court to Saunders. Do you recollect of a certainty that he said he had had it about two months, and that he had it ever since May?—He told me he had, and that he had had him at grafs at Edmonton.

Prisoner. I had it booked at the toll-book at Godalmin, and I wrote a letter to the toll-keeper, and he sent me an answer, and I gave the letter to Sir Sampson Wright, before I ever opened it, and Sir Sampson Wright has kept it ever since; I sent my mother to Sir Sampson Wright for it yesterday, but she is not yet come back; I have now nobody here.

GUILTY, Death.

Tried by the second Middlesex Jury before Mr. RECORDER.

357. JOHN PORTSMOUTH was again indicted for feloniously stealing, on the 10th of May, a gelding, price 10l. the goods of Philip Smeath.

(The case opened by Mr. Garrow.)

PHILIP SMEATH *sworn.*

I am a bricklayer, living in Shepton; on the 10th of May my stable was broke open, the lock wrenched off, and the bay gelding was stole; I saw it again on the 17th; the horse was just gone seven days, I cannot tell what day of the week, but it was both one day of the week; it was brought home to my own stables again, and Mr. Morris was present with me when I looked at it, and that gelding was the same I lost; the mark is a bay gelding, ball face, a ball eye, and a scar on the off-shoulder, three white legs, rubbed in the mane by the collar.

JOHN NEWBANK *sworn.*

I was at Waltham-abbey fair on the 14th of May, I saw the prisoner at the bar there, and he had a horse which he offered to me for seven guineas; there was no voucher there for the sale, in consequence of which he and I set out to come to London to find some such person, he said he was waiting

in the fair for Mr. Palmer, who was to vouch that he came honestly by it; at last we set out to come to London; I lent him a horse to ride, and another man rode the gelding; he had taken the money, and delivered the gelding to an acquaintance of mine in the horse-dealing line; as we came along we met Palmer, and he said the gelding was his property, and then Portsmouth, the prisoner, returned the money back; I asked him how he came to sell the horse; and he said he was sent there to sell it, that he brought it out of Holborn, and I struck up a new bargain with Palmer, he said he gave five guineas for it, and I and Palmer agreed for six, and took him again into my possession of Palmer; after this I sent him in three or four days time by James Freer, to Brentford fair, to be sold, the very same gelding.

Have you been present with Smeath, and looked at the gelding since?—Yes, and it is the same he brought to Waltham-abbey, and I bought of him there.

CHARLES PALMER *sworn.*

Upon the 14th of May, I met Newbank and the prisoner coming from Waltham; I claimed the gelding in question, I was coming out of Smithfield-market on the 13th, on Friday, the day before, I saw the prisoner the top of Fleet-lane, with the gelding in question, he asked me eight guineas for it, I bid him six, but bought it for seven without the saddle or bridle; I had some reasons to suppose it was not sound, and told him if he would go to Mr. Paterfon's, Fleet-lane, I would pay him there; doubts arising about the soundness of it, I told him I would give him five that night, and two the next morning when he brought the vouchers that it was sound; he said he was going to Waltham-abbey fair the next day; I told him I should see him in the morning, and would go with him; in the morning I saw him between seven and eight o'clock; I told him I would go for a hackney, and go and ride with him, and when I came back; he had rode away with the horse, he was not where I left him; at night the horse was

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put up in the New Inn at the Old Bailey; I had never the horse in my possession, not finding him there, I hired a horse, and went down to Waltham-abbey, and met them coming up to London, and I claimed the gelding, and I sold it at last to Newbank for six guineas.

Did you ask him where he got the gelding?—He said he lived on the western road, somewhere about Staines, that he had bought the gelding some time ago, and now he had no further use for it; he did not tell me how long before he had bought it, nor from whom.

He had the five guineas?—He had.

Was you to try the mare at the fair at Waltham-abbey, to see if it was found?—I was.

For what purpose was you to go to the fair?—I had other business at the fair, in the horse-dealing line, and there I expected to find a voucher, and it was agreed that he was to go to the fair, when he had the five guineas.

Jury. When you lost your gelding, why did not you go immediately to the fair?—I did, as soon as I could; I was down in the Old Bailey about eleven, and I met them coming home between twelve and one.

Court. That was late to go to the fair?—It was, but I had forty horses to look after first: I was then in business with Mr. Gregson, at the Bull and Gate Yard in Holborn, he keeps a repository.

Do you mean to swear upon your oath that you went to have this gelding vouched?—I did; and I told him I would have nothing more to do with it except it was, and he said when he came there, he would vouch it to me.

What is the nature of this vouching?—When a horse is sold and vouched, the voucher is taken to the toll-keeper to prove that the person who sells it came honestly by it.

JAMES FREER *sworn.*

I am servant to Newbank. I took the gelding to Brentford fair; there it was stopped, and claimed as Mr. Smeath's property.

I took it to Mr. Smeath's; I went upon the horse, and he took me home.

PRISONER'S DEFENCE.

I understood that Palmer bought stolen horses, and I knew that he had once before of another person, and I sold it to him as a stolen horse, and told him all the particulars, and where it came from; and he said, that the horse had got a ball eye, but he would put the eye out, and crop it, and dock it, so that it should not be known. He did not buy of me in Fleet-lane, but in a private stable. The next morning, I goes to him about seven in the morning, and told him, I was going to Waltham fair; says he, if you will take the horse to the fair, and get it booked, and made safe to me, I will give you half a guinea more. He was to give me seven guineas, and he had given me five guineas in part of payment of the horse, and he was to give me two more on Tuesday; with that I took the horse to the fair; he had his horse ready to go to the fair; and he said, he must go and get his horse shooed first, before he could go; and he sent me to the fair. With that I took the horse to the fair; and I suppose it was near to five o'clock before he came to the fair. As to how I came by the horse, I and another man stole it out of the stable.

GUILTY, Death. (Aged 26.)

Tried by the second Middlesex Jury before Mr. RECORDER.

358. **THOMAS PLATA** and **THOMAS COLLISS** were indicted for feloniously stealing, on the 11th of April last, two wether sheep, value 50s. the property of Criss Pooley.

The case opened by Mr. Garrow.

CRISS POOLEY *sworn.*

I am a butcher, I live in Pentonville; on Monday, the 11th of April, I bought eleven

ven sheep of Mr. Simon Payne, in Smithfield-market, they were Norfolks; seven of them got into the prisoner Plata's flock, as they were driving them home. My sheep were marked with a P. round the face and down the back; I found five of the seven afterwards in Plata's flock, and in the evening I found the other two at the Green Man, in Portpool-lane; they were dressed ready for market, or ready for a butcher's shop to cut up. We found no skin there, I have seen a skin that was one of the two, which Mr. Reed shewed me. The head of one was not taken off, and upon one side the skin and the wool still remained, that was the side where the loop of the P. round the eye; the skin that Reed produced was fitted to it, and made up the whole of the P.

SIMON PAYNE *sworn.*

On the 11th of April last I sold eleven sheep to Mr. Pooley, he put a letter P. on the back and round the nose. I saw two carcasses at the Green Man, Portpool-lane; I saw one skin and only one head, the other was off; Reed produced a skin that fitted that which had the head on, that was one of the sheep that I sold Mr. Pooley, I knew it by a tar brand, which I believe was W. D. between the ear and the shoulder; the sheep belonged to one William Deigo, that is a remarkable place to mark a sheep, the skin exactly fitted, not one sheep in a thousand are so marked. I have no doubt. I have known Plata some years as a drover in the market, I never knew any thing amiss of him myself.

ALEXANDER SMITH *sworn.*

I am a smith; on Monday, the 11th of April, I was at the Green Man in Portpool-lane, I saw the prisoners there, in company with Malpas, who is not in custody; Plata came in all in a sweat, and said, b—t the bloody Norfolks, I never had so much trouble as I have had to-day. There were a drove of sheep at the door. Collifs said he would toss him for a pint; Plata said he would have a glass of gin; he did so. Mal-

pas and Collifs went out and pulled in two sheep into the passage, and put them backwards into a stable; Plata was in the house at that time; Malpas and Collifs said to Jackson, the landlord, are these the two sheep you bought at Smithfield-market to-day? Jackson made answer, yes; (I cannot tell whether Plata heard it,) Collifs said marked J. S. Jackson said, yes. I went and looked in backwards about twenty minutes afterwards, and Collifs and Malpas were dressing them. I had often seen Collifs at the Green Man, he was a drover. I saw Plata in the back kitchen, just in the place where they were dressing. Mr. Jackson and his wife are gone away. Plata said about two minutes after the sheep were dragged in.

What time was this?—About two o'clock, then Plata went away with the rest of his drove.

Prisoner Plata. Were there any sheep there when I was there?—Yes.

Court to Pooley. What time did you go to this house?—About nine o'clock.

MARGARET FORD *sworn.*

On Monday, the 11th of April, I saw Plata come into Mr. Jackson's, he had a glass of gin, he said b—t the bloody Norfolks, he could not get them along, having nobody to help him. Jackson was standing at the door, I was coming out, and I saw *to be sure* two sheep dragged through the passage. I saw Plata at the justice's, he is the man that came in; I know Malpas, he was one that was dragging them in; they were dragged into the stable; about two hours afterwards I saw two sheep hanging up; I went away I believe before Plata. I cannot speak to Collifs, he is so altered if it was him.

WILLIAM RAGSDEN *sworn.*

I live in Portpool-lane, near the Green Man; on Monday, the 11th of April, I saw a drove of sheep before the Green Man door, I knew it to be a bad house; I saw a man heading the sheep, driving them back, and I saw two sheep pulled in by two different

rent men; I cannot swear to the prisoners. I spoke to Reed at the door.

JOHN REED *sworn.*

I was constable, I stood at the Green Man door, I saw Ann Bulgin come out, and I followed her, and took a bundle from her, in which was a sheep-skin. I took her to Justice Triquet, I came back in the evening, and saw this sheep hanging; I produced the skin to Pooley, and it was matched to the head, and it fitted exactly: it was the same skin I had from Bulgin.

Mr. Pooley. Ann Bulgin is not to be found.

Reed. I saw the woman come out of the house.

JAMES DOCKUP *sworn.*

I am drover, I drive Mr. Pooley's beasts; on the day after the sheep were killed, Plata came to me and asked me if I would do him a favour; I said yes, if it lay in my power; and he said to go up to your master about the sheep that were lost last night; he said he would warrant the sheep should be paid for, and he would warrant me half a guinea for my trouble, to get my master to receive the money; I went to my master and he refused; I was to meet Plata at three o'clock, I saw him, and told him my master would not take the money, and I left him, and he went away.

Prisoner Plata. Did not I say you should have half a guinea as a reward that was offered?—No.

To Pooley. When was he apprehended? —Not till the last day of July session; he surrendered himself.

Had you taken pains to find him?—I advertised five guineas reward.

Fury. Did you offer him half a guinea? —I told him I would satisfy him for his trouble: my sheep got into his drove at Charterhouse-square, I desired him to wait, and he said he would meet me at Clerkenwell-green; I met him there about an hour and an half afterwards, and there were but five instead of seven.

PRISONER PLATA's DEEFNCE.

I had got ninety-six sheep in a lot, and Mr. Pooley had five run into my drove; he came up, and I said if he would let his man go with me he should have them; his man went with me, and he met me in Clerkenwell-green, and he wanted to take one that was not his; I heard he had found his sheep, and I met Mr. Pooley in Newgate-street, and he said he was satisfied with my conduct; I saw bills up about me, and I surrendered myself.

Mr. Pooley. I met him in Newgate-street, and he jumped out of a cart, and asked me if I thought he was the man that stole the sheep; I went to the magistrate, and he granted me a warrant, and we could not find him afterwards.

THOMAS SPENCER *sworn.*

I am a butcher, I have lived with Mr. Harwood ten years, the prisoner Plata worked with him two or three years off and on; and behaved very honest.

BENJAMIN UPWELL *sworn.*

I work for Mr. Glynn, I never heard any harm of Plata in my life; I was coming out of Smithfield, and I met Mr. Pooley, I cannot tell the day of the month, it was on a Monday; he asked me if those sheep belonged to me; I told him some of them did: he asked me if I would stop them, and I told him I would: Mr. Pooley's man went with us to Clerkenwell-green, and we stopped there, and Mr. Pooley came, and three more people with him, and he took five out of Mr. Harwood's drove, and told them over, and said he was satisfied that there were no more of his sheep in our drove; and he said he would give us a pot of beer next market-day; the boy that was with us was to take Mr. Harwood's sheep to the Small-pox Hospital, Battle-bridge.

Mr. Garrow. Do not you know that they are close together?—The boy had the care of the whole flock; the sheep were near Charter-house-square.

How far was the Green Man in Portpool-lane from Back-hill, where you left
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the boy?—It might be about two hundred yards.

How came Plata and you to separate?—I went to Smithfield directly.

You and Plata, and the boy, went all together to Clerkenwell-green?—Yes.

Had not you been to Back-hill before Mr. Pooley came to you at Clerkenwell?—No, we had not.

Which way did you go?—Along Cow-crofs.

So then from Smithfield bars to Clerkenwell green, Plata went strait without stopping any where but at the public-house at Clerkenwell-green?—Not to my knowledge.

Had he never been at the Green Man?—I do not know.

You have told us you have known him ten years, and never heard any harm of him before in your life?—Yes.

He has attended Smithfield-market that time?—I do not know, he was on board a ship.

He was a fellow servant, you knew him very well?—I never took notice about mistaking him.

Do you mean to swear, that for the last ten years you have never missed him out of the service of Mr. Harwood, except when he was on board ship?—I do not know.

Did you never visit him in Newgate?—No, Sir, he might be there for what I know, but I do not know that he was.

Do not you know, or have not you heard, that he was tried here?—I have heard he was tried here, but not for truth; I do not know when he went away, nor I cannot be certain.

Did you see him from the Wednesday till he surrendered in July?—I do not know what day it was he went away, it was the Wednesday.

Prisoner Plata. Gentlemen, the day I went into the Green Man was the day before; please to examine the boy.

Pooley. The man he mentions, my lad, was the person that the prisoner sent to me to tell me he would wait for me on Clerkenwell-green; I do not know where to

find him, he has left my service three months.

GEORGE LAW.

Do you know the nature of an oath?—I do not know what the nature of an oath is, nor never have been told; I am thirteen.

Have you heard what will become of you, if you tell that which is false?—Yes, I shall go to hell.

GEORGE LAW *sworn.*

I drove Mr. Harwood's sheep to the field from Clerkenwell, I took them to Battle-bridge; I never saw the sheep till I came to Clerkenwell-green.

CHARLES PURDEY *sworn.*

I have known Collis between four and five years; I am a bricklayer, not a house-keeper.

Prisoner Plata. My Lord, this woman, Margaret Ford came up to the gaol, and went on her bended knees, and wished she might be never delivered, if she knew any thing about it, and said, that the constable came and took off a sieve of currants, and said there was five guineas down, and five guineas more on conviction; she said she would have no blood money, for she knew nothing of the matter; I have three witnesses to prove it.

Margaret Ford. What the man says I know nothing of; it is not true, I was not with child.

THOMAS ARNETT *sworn.*

(The other two ordered out of court.)

I am a lawyer, I came for both the prisoners; they are entire strangers to me.

Mr. Garrow. What do you shake so for?—I cannot help it; I was in a public-house in Leather-lane, last Monday evening; this woman and another man, Smith I believe he is, came in and told the landlord they had been to find a bill against the two prisoners; the woman asked the landlord if she was to have any reward for prosecuting

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cating the two prisoners; she was told that they thought she would, if they were prosecuted; but she said God forbid she should, for she knew nothing of the matter.

Who told her so?—The landlord and the people of the house, and I might when she asked the question; she went towards the bar, and the man Smith came towards the box where I sat, and said, she be damned, she will swear black is white: about two or three minutes after that, I was by the woman herself, and she told me, that this man Smith, was keeping her, what she called *in tow*, that is, treating her, I suppose, on purpose to make her swear the same that he did; he said the prisoners were both of them dead men, and he would be damned but he would have the reward; that is all I know about it.

Mr. Garrow. (*Cross Examination.*) This was last Tuesday?—Last Tuesday about four in the evening.

What are you?—A sawyer, I work for Mr. Hobbs, right opposite to this public-house.

You never was in this court before?—Not as a witness.

No, a witness! no; how long was it since you was here?—Six years, eight years, I was tried here.

God bless me! what for pray?—Tried, I was arraigned, there was no witness against me.

What was you arraigned for?—A charge of house-breaking.

God bless me! house breaking! so you did not know either of the prisoners at the bar?—Never in my life.

You went into the house promiscuously?—Promiscuously, no; wiltrully; it is a house I go into to get my beer.

Who did they say they had been finding a bill against?—Plata and Collis, and another man, they mentioned their names.

And when did you first mention this to any body?—I went to the gaol, and enquired for the prisoners directly, and told them this story.

What is the name of the landlord?—His

name is Bewitt, the sign of the Windmill, Leather-lane.

Is six years ago the last time you was in custody?—Yes.

Never in custody since or before?—Not any where.

Where have you been?—At work in different parts of the town; I have been on board a man of war some time, on board the Latona frigate, part of last summer, Albemarle Bertie was the commander.

How long was you in Newgate at that time?—You ask me questions nothing tending to what I come upon.

How long was you in Newgate?—Seven weeks.

How happened that?—It was the long vacation.

Mr. Garrow to Mr. Smith. Now, upon the oath you have taken, is what this man has said, true?—No, and please you; it was half past five before I left the Crown Tavern on Clerkenwell-green; I was at that public-house he speaks of, but it was seven or eight, I did not see him there, I do not know the man, I have seen him in Leather-lane.

Is the account that he has been giving true, in any particular?—No.

Counsel to Margaret Ford. Is this account true?—It is as big a falsity, as if I said so, you said so.

You say that this man was keeping you *in tow*?—No, Sir, I never saw the man in the house that I know of.

Have you said to any body that you know nothing of it, and God forbid you should have any reward?—No, I never did; what he has said is absolutely false.

Court to Arnett. You work for Mr. Hobbs now?—Yes, he is a wooder.

How long is it since your mistress was prosecuted and transported?—It is not that Hobbs.

She was the mistress of Mr. Patrick Madan?—I do not know any thing of it.

THOMAS GRAY *sworn.*

I work at Mr. Hobbs's: I came as much for

for one prisoner as the other; for I heard it of both; I say as this, that I was over the way, getting me a pint of beer, at the Windmill, at four in the afternoon; I heard this man and woman talking about the affair, about *persecuting* of these people; she said she would not persecute them on no account in the world, in case she thought she could take their life; with that she went out; and I heard this man say, when she was gone out, it was her fallensels, for that she would swear away any man's life for the lucre of gain; more than that, he said she would swear that that table was white, which was a wainscot table, and a very dirty one; when she came in again, Smith said to the woman, he would give her £10. for her chance, and he would persecute them, and have the reward, even if it was but two-pence, for they were all dead men; that is all I have to say.

Mr. Garrow (Cross Examination). Who did they talk about persecuting?—Why these here two prisoners.

What did they call them?—They did not call them by any name, not to me; but they did before, in my hearing; not when he said he would persecute them.

What did he call them before?—Upon my word, I cannot say.

Was it Greenhill and Johnson, are you sure?—No, that is not the name; the one was *Plata*, the other I cannot remember.

Was it Malpas?—No.

Do you think it may be Colliss?—It may; I believe it was.

Who was there?—Mr. Arnett was there, and one Mr. Ball.

How long have you been acquainted with Mr. Arnett?—I believe about six weeks, to the best of my knowledge; he lodges at the Windmill, and sows for Mr. Hobbs; the landlord's name is Blewitt, or some such name; the landlord was not present then; Arnett and me, and Ball, were there.

Pray, Mr. Gray, what way of life are you in, if it is not an impertinent question?—I am a porter there, at Mr. Hobbs's.

Where is Mrs. Hobbs now?—I never knew any thing of her.

Oh, dear me! why she is gone abroad lately. Where did you live before?—I know nothing about that; I lived, the last place, at Mr. Flintoff's, in Smithfield, the end of Long-lane; and I lived at Mr. Fleming's, in Chandos-street; he is an upholsterer and cabinet-maker.

When was you here last?—I never was in this room before but once to-day.

How came the prisoner to know that you knew all this?—I do not know; some gentlewoman came to me; I have not mentioned it to any body; I spoke it to my young master, that I would come, young John Hobbs.

Was not Arnett in Newgate before to your knowledge?—I believe he never was there.

You believe he never was?—I dare swear it.

Upon your oath, do not you know that he was, that he was tried at this bar for burglary?—What, Thomas Arnett!

Yes, Sir, Thomas Arnett.—Upon my oath, to the best of my knowledge, I know nothing of it; I never heard it; I have no reason at all to believe it; what I say to you I speak true; I never heard it from him, nor any man else.

How long is it since you worked at Mr. Flintoff's?—The last time it was seven weeks.

Mr. Smith and Mrs. Ford. There is no truth in this; it was half past five before we came from Hicks's-hall.

JAMES BALL sworn.

I am a sawyer, a journeyman; I work for Mr. Hobbs, in Leather-lane.

Which of the prisoners do you come for?—Both of them. I heard this young man and this woman, last Tuesday, about half after four o'clock; I came into the Windmill, in Leather-lane; these two people were sitting together; they first of all called the landlord of the house to them, and this young man asked what they should have a day for trouble, to prosecute two prisoners, suppose they were cast for death, and the landlord told them he did not know; this man,

man, Thomas Arnett, said, what are you talking about? and they told him it was concerning some sheep-stealing from the Green-man, in Portpool-lane; so Arnett said something to them, and this woman lifted up her hands, and said, if she thought she should swear their lives away, she would keep out of the way; says the man, you need not be afraid of going, for they are sure to be dead men, as sure as we go, and I will give you 10l. for your chance, and I will take the thing upon myself: directly this woman goes to the door, and this Thomas Arnett went to the door and spoke to her; what they said, I cannot say; I was sitting upon the top of the table, in the tap-room; and this young man said, says he, as to what she says about swearing does not signify a farthing, for she would swear that that was white, which was a dark table.

Mr. Garrow (Cross Examination). You work for Mr. Hobbs?—Yes.

This was watering-time, so that you are sure to the time?—It might be a little before four, or a little after.

Not a quarter of an hour either way; it is what you call watering-time?—Yes, what we call our tipping time.

They did not mention the names of the prisoners?—After they mentioned the names of the people, that is, after we mentioned this story, we made it our business, that is, Arnett did, to go to the bar, and write down these names; their names were Plata, Colliss, I think, and Malpas.

You did not ask the landlord to write it down for you?—No, Arnett wrote it himself at the bar.

Have you seen that paper to-day?—Yes, I saw it this morning.

Who shewed it you?—Arnett, of course.

Mr. Garrow to Arnett. Let us look at it. (Handed to him.)

Ball. I have worked for Mr. Hobbs five weeks last Monday; I have known Mr. Arnett, off and on, I suppose, these four years.

You did not know him when he was in Newgate?—I never knew he was there.

Mr. Garrow to Smith. Is there a word

of truth in what this man has been swearing?—No, Sir.

Mrs. Ford. There is no truth in it; for we were not from Hicks's-hall till half after five.

Court to Pooley. You was with Smith and Ford at the Sessions-house?—To the best of my knowledge, it was past five.

What time did you leave the Sessions-house?—A little after four; then we went to Mr. Bilson's, the Crown; there we continued, I suppose, till half after five; I am sure it was past five before I parted with these people.

From the time that you left the Grand Jury room, till you parted with them at half past five, had Smith and Ford been ever out of your company?—No.

Court to Smith. If I understand you right, you do not deny that you was in the public-house that day?—I was in the public-house, at seven o'clock, which they mentioned, the Windmill.

Do you mean to say, being at the public-house at seven o'clock, that none of those witnesses that have been speaking were in that room?—No.

Are you sure they were not in the room?—Yes, I am sure.

Can you venture to swear that no such people were in the room?—Yes.

Was you there any time before seven?—No, only once all the day.

And you mean, as far as you can swear, that you have no recollection that any of those witnesses were in that house?—No, not that day; I have seen that man, Arnett, before, but not the rest; I have seen him in that public-house, the Windmill, but he never spoke two words to me.

How far is the Windmill from Clerkenwell-green?—A quarter of a mile.

Court. Was you there before you went to Clerkenwell?—No, that was the first time I was in that house all that day.

Was that the only time you was in the house that day?—Yes, that was seven o'clock.

Court to Mrs. Ford. Was you with Smith at the public-house?—Yes, I was.

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Was Arnett, or any of the witnesses, there at that time?—Not to my knowledge; they were not in our company; there was no other person in our company; we might be there half an hour; we had a pint of beer, that was all; I do not recollect that any body else was there besides the landlord, or somebody belonging to the house; it was seven o'clock when we were there, and that was the only time we were there; I never was there, except that evening at seven, and since this affair happened: I have known the house a great while; it is not a great way from us.

Did you see these witnesses in the house that day?—Not to my knowledge; I have seen Arnett backwards and forwards.

Have you ever seen him in that public-house?—No, not to my knowledge.

Court. Had you been at Hicks's-hall before you came to the Windmill?—Yes, we had been there, and staid there with Mr. Payne and Mr. Pooley; we had been examined, and then we went to the Windmill.

Court to Payne. You attended on Tuesday, with these witnesses, before the Grand Jury?—I did.

At what time was the bill presented?—I cannot recollect; but, to the best of my remembrance, it was about four o'clock; after I had been called in, I went to the Crown; we went together.

Did these people continue with you while you were at the Crown?—I took no notice of them; I was the second person that was called, and these witnesses were to go in after me, and I waited for them; they were not out of my sight at all, except while I was in the Grand-Jury room.

Was Read the constable with you likewise?—Yes.

Court. Did you go with either of these witnesses to the Windmill?—No; I do not know where the Windmill is.

Where did you meet together before you went to Hicks's-hall?—At this public-house, at the Crown, Bilson's.

Mr. Garrow to Read. You went before the Grand Jury?—Yes, I met the other witnesses at the Crown.

NUMB. VII. PART II.

What time?—I do not know; about ten in the morning: it was past four when I was called in; I was the last but one that was called in.

From ten, the time you went, till you was called to the Grand Jury, were Smith and Ford in your company?—Yes, they were, all the time; we went back to the Crown from the Grand Jury; I suppose they might continue in my company some time after.

Can you be sure to the time?—It was certainly past five.

THOMAS COLLIS, }
(Aged 42) } GUILTY,
THOMAS PLATA, } Death.
(Aged 22)

Tried by the second Middlesex Jury before Mr. RECORDER.

** Thomas Arnett, Thomas Gray, and James Ball, were committed by the Court to take their Trials for Perjury.

359. JAMES POE and ANN TRIBETT were indicted for feloniously stealing, on the 13th of July, one pair of linen shoes, value 5s. the goods of Charles Shepherd; and a linen shift, value 10d. the goods of Betty Wright.

(The case opened by Mr. Garrow.)

EDWARD KENDAL *sworn.*

I am a constable; I was sent for in the morning, I believe, of the 3d of July, to take this man, and one woman; I found one of them in bed, the man, and the woman was standing by the bedside, shelling of peas; they were at the Red-lion, Islington; I saw the shoes taken out of the prisoner Poe's pocket, from a coat which hung up by the bedside against the wall, and they were claimed by Mr. Shepherd; says he, I will swear to these shoes, I have worn them some time; the prisoner put on the coat, and walked with it to the cage: I ordered

G

him

him up, and asked him about the girl's shift; he declared he knew nothing about it; I told Simmons to examine the bed, and he turned down the bolster of the bed, and there lay the shift that was claimed by Betty Wright: they were secured, and given into the hands of the constable, Richard Richards.

WILLIAM SIMMONS *sworn.*

I live at the Castle, Islington: Betty Wright is a servant of mine: on the 3d of July, the prisoners at the bar came to my house, and they might be there an hour, or an hour and half: after they were gone, these things were missed from the back room; they were pursued, and found the next morning at the Red-lion; the shoes belong to one Shepherd, and the shift to Betty Wright; I went with Mr. Kendal, and took the shoes out of the man's pocket, and the shift from between the bed and bolster.

WILLIAM HACHFORD *sworn.*

I am a magistrate in the neighbourhood of Islington; I have here the original examination; I only asked them what they had to say.

(The examination read, as follows:)

The examination of James Poe and Ann Tribbet, for robbing Betty Wright, taken before me, one of his Majesty's justices of the peace for the county of Middlesex: James Poe says he knows nothing of the shift's being taken, or how it came under his bolster; and she, the said Ann Tribbett, confesses that she was in liquor, and took the shift, and is sorry for it; that she and James Poe have cohabited together for some time.

Signed by their mark.

There is nothing said about the shoes?—
The man would not swear to the shoes.

BETTY WRIGHT *sworn.*

I am a servant to Mr. Simmons; I left a shift in the back room, in a basket; I lost it; I saw it about six in the evening, and

missed it about ten; the two prisoners at the bar came to the house about four or five in the afternoon; they did not go away till about nine; and about an hour after they were gone, I missed them.

Did you see a shift that was produced to you by Richards?—I did.

Was that the same you lost?—It was.

RICHARD RICHARDS *sworn.*

I produce the shoes and shift; they have been in my possession ever since I found them.

(Produced, and the shift depoted to by Betty Wright.)

CHARLES SHEPHERD *sworn.*

I gave these shoes to Mr. Simmons's boy to brush over with the blacking-brush; I lost them.

Are those the shoes you claimed at the constable's?—I cannot positively swear to them.

Can you read?—I cannot.

You was present when these people were taken up at the Red-lion?—I was.

Did you see any shoes found?—I did.

What did you say?—I could not positively swear to them, but I thought they were mine.

Were yours shoes or pumps you lost?—Pumps.

And your name in them?—I cannot read.

Mr. Garrow. I only want to let the jury know what sort of a fellow this is; he knows them well enough, but he does not choose to know them.

PRISONER POE's DEFENCE.

I am very innocent; I know not how the shoes came into my pocket; God Almighty knows, I cannot say; I went to bed that night, and the next morning the constable came up into my room, and charged me with these things; but I know no more how they came there than a child unborn.

PRISONER TRIBBETT.

I am as innocent of it as a child unborn.

(The

(The prisoner called one witness to his character.)

JAMES POE (Aged 49), GUILTY.

Whipped, and imprisoned six months.

ANN TRIBBETT (Aged 32), GUILTY.

Fined 1s. and imprisoned six months.

Tried by the second Middlesex Jury before Mr. Justice GROSE.

360. THOMAS SHIELDS was indicted for stealing some books, value 10s. the property of Thomas Cadell.

WILLIAM DAVIS *sworn.*

Mr. Cadell is a bookseller, and lives in the Strand; I am his clerk; I found some of the copies mentioned in the indictment had been offered to sale; that which I discovered was Whitlock on the King's Writ: I examined the warehouse where that book was kept, and discovered it had been robbed; I knew none of the copies had been sold; I then went to a man whose name is Yardley, by this Yardley I was referred to a pork-shop in Clare-market, where he bought them; his name is Shum; I asked him where he got these books; he told me he had got them of a man who frequently brought him bundles; he particularly described the person; I cannot state any particular time of the taking away any of the articles, except Banyer's Mythology; I recollected that article was in a dark corner of the warehouse, and it was not likely that any thief would have gone to that corner for these boxes, placed before that article; there was also a window that looked into a yard; I thought it advisable not to apprehend the prisoner till the porkman had seen him; I sent for Shum; he came to our shop; and while standing there, the prisoner passed by; I pointed to him, and Shum said he was the man.

Mr. Knowlys, Prisoner's Counsel. This man was not employed by Mr. Cadell?—No.

Have you any porters employed in your shop?—Many: I went and examined the window; I found it covered with boards, which were quite loose; they could be removed very easily; there were two iron bars across the window; there was room for the prisoner to enter; I think some of the parcels must have been drawn through, as I discovered a rusty nail with a bit of brown paper on it.

— SHUM *sworn.*

I live in Haughton-street, Clare-market; I keep a pork-shop, and buy a great quantity of waste paper; I have bought a great deal of the prisoner; I gave him twopence-halfpenny per pound; I have one parcel here. (Produced.) I bought them the night before he was taken up.

Davis. I think this parcel is the property of Mr. Cadell; I have no doubt of it myself; they were tied up precisely as they are now; they were not sold, on account of being stained.

— DESBOROUGH *sworn.*

I have but little to say; I know nothing at all; I live in a house next to Mr. Cadell's; I saw the prisoner take a bag out one morning, but I do not know the contents of the bag: what I have said, I have said; and what I have sworn to, I have sworn to.

THOMAS DESBOROUGH *sworn.*

I lodge at the prisoner's house; I know nothing of the business.

For the Prisoner.

GEORGE WYLD *sworn.*

I live in Somerset-house yard; I am a carpenter; I have known the prisoner seven years; he was a waterman in the first part of my knowledge; since that, he has worked for me as a painter; he is very honest.

DUNCAN CAMPBELL *sworn.*

He is an honest man; I have known him two years.

THOMAS LINGHAM *sworn.*

I have known the prisoner thirty years; he is a very honest man.

SAMUEL

SAMUEL STIMPSON *sworn.*

I never heard any thing wrong of him, I have known him five years.

WILLIAM JENNINGS *sworn.*

I have known him ten years, he has always borne a very good character.

GUILTY. (Aged 31.)

Whipped, and imprisoned six months.

Tried by the second Middlesex Jury before Mr. Justice GROSE.

hold of me, and said I want a c—, you old bitch, and I will have it out of you.

GUILTY.

Finid 1s. and imprisoned six months.

Tried by the second Middlesex Jury before Mr. Justice GROSE.

361. ANN ATKINSON was indicted for stealing, on the 27th of July, in the parish of St. Andrew, Holborn, five pewter quart pots, value 5s. and four pewter pint pots, value 2s. the goods of John Sparrow.

JOHN SPARROW *sworn.*

I keep the Red Lion, in Holborn; I sent my boy out on the 27th of July, to get in pots, there was an alarm that he had lost his pots; this old woman was brought to my house, and the pots taken from her.

JOHN EASY *sworn.*

I am a coach-harness-maker, I was going past the prosecutor's house, a man told me there was a woman with a parcel of pots under her petticoats, I followed her down Red-lion-street, I asked her what she had got under her petticoats? she immediately dropt the pots.

JOHN JAMES *sworn.*

I am servant to Sparrow, my master sent me out between nine and ten on the 27th of July, to get in my pots; I laid down some to go and look for some others, and when I returned the pots were gone.

PRISONER'S DEFENCE.

I was sent for a pound of beef-stakes, I had sixpence in my hand, and the man asked me what I would give him? I said, give you! why nothing. He then laid

362. JAMES BUTTERS and JOSEPH SCOTT were indicted for feloniously stealing, on the 29th day of July, two pair of silver plated shoe-buckles, value 10s. the goods of John Davis.

RUTH SMITH *sworn.*

I am shop-woman to Mr. Davis, he is a buckle-maker; the prisoners came into the shop about eleven o'clock in the morning, they looked at some buckles, but did not buy any, but one of them had a pair in his hand secreted, they were plated; I took them from him, and then they both went out; after they were gone I missed a pair of plated shoe buckles, and soon after the constable brought the same buckles back which I had missed. I did not see them take them. The prisoner Butters was the only person who wanted to buy, there was no person in the shop with me; I did not follow them. They both came together into the shop.

ISAAC BUCHARA *sworn.*

On the 29th of July I saw the two prisoners look into and go into several shops; I suspected them, I followed them as far as the 'Change, there I seized them, coming out of a silversmith's shop; I seized them, and on searching them I found these buckles. (Produces a pair of buckles.) I found them on Butters, concealed in his breeches, and also a silver mounted pair of spectacles.

Ruth Smith depotes to the buckles.

PRISONER BUTTERS' DEFENCE.

I had been ordered to go to Wapping, I came to the 'Change, and there I saw a Jew, of whom I purchased these buckles.

PRISONER

PRISONER SCOTT'S DEFENCE.

I know nothing about it.

JAMES BUTTERS, }
JOSEPH SCOTT, } **GUILTY.**

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

363. **TIMOTHY BURT** was indicted for stealing, on the 27th of August, twenty yards of black silk ribbon, value 5s. the property of John Tagg, George Goodger, and William Standridge.

JOHN TAGG *sworn.*

I live in Wood-street. Mr. George Goodger and William Standridge are my partners. This man lived with us fifteen months, about two months prior to this, my partner was rendered uneasy. My partner was going out of town, I suspected the prisoner from his caution. I desired my apprentices to watch the prisoner; the 27th he stayed out all night; I went up to his box, and, with the constable, searched his box; we all went up stairs together; I desired the prisoner to open his box, it was locked; he opened it, and in taking it out we found several blocks, we found four parts of half pieces of ribbon, which he confessed were our property; I had not made him any promises. During the time he lived with us I had a very high opinion of him; he said they were our property, but he had never taken any thing else.

——— **HOPPER** *sworn.*

I am an apprentice to the prosecutor, on the night on which he, the prisoner, slept out, I, on passing his room door in the morning, saw his box open, I looked into and saw several blocks; I acquainted the prosecutor as soon as he came to town, and he was apprehended.

CHARLES FLETCHER *sworn.*

I searched the prisoner's box, and found some ribbon. (Produces them.)

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Prosecutor. I cannot swear to them.

PHILIP SHEBOTT *sworn.*

The prisoner lived with me two years from March 1788, to March 1790; during the time he lived with me he was sober, honest, and punctual.

GUILTY.

Recommended by the Jury on account of his former good character.

Privately whipped, and discharged.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

364. **ANN BURTON** was indicted for feloniously stealing, on the 12th of September, one linen sheet, value 2s. the goods of Thomas Fortener.

——— **FORTENER** *sworn.*

I am wife of Thomas Fortener, I lost a sheet out of a box at my own room, I saw it a week before, I found it upon the prisoner, she was a lodger, she lodged in the first floor; I found it the 12th of this month; I lost a great many things before I had a suspicion of it, and I went down to acquaint the landlord of it, and I see her go out with something under her cloak; my son followed her, and Francis Largly.

Court. How old is the prisoner, do you know?—Twenty-seven years of age.

FRANCIS LARGLY *sworn.*

I pursued the prisoner at the bar by my own choice last Monday was a week, the 12th, and I found this sheet upon her, about eleven o'clock in the morning.

(Produced and depoted to by the prosecutor by the mark F.)

PRISONER'S DEFENCE.

It is my own sheet, I bought it of a woman that goes about the street, selling shirts,
H sheets,

sheets, and any thing; I had bought it about three weeks.

GUILTY, (Aged 27.)

Imprisoned six months, and fined 1s.

Tried by the second Middlesex Jury before Mr. Justice GROSE.

365. SUSANNAH DRAYTON was indicted for feloniously stealing, on the 27th of July, twenty-eight yards of printed callico, value 20s. the goods of Thomas More.

THOMAS MORE *sworn.*

I know that I lost the callico, and that it is my mark.

RICHARD BIRKITT *sworn.*

I am servant to Mr. More, linen-draper, Oxford-street; on the 27th of July I was in the shop, the servant with me, Sarah Hobbs came in and told me that a person had taken a piece off the box at the door; she described the person to us, and told us which way she went; we went in pursuit, Thomas Tindal and me, of her, and overtook her; the person was the prisoner, she gave a piece of printed callico to Thomas Tindal.

THOMAS TINDAL *sworn.*

I was before Birkitt in the pursuit of the prisoner, we run out together, and I overtook the prisoner first, and she gave me this. It has Mr. More's mark upon it.

(Produced and depofed to by Mr. More.)

Mr. More. It has my mark upon it, it had not been in my shop above three days, I had not seen it in my shop that day, for I was out of town.

PRISONER'S DEFENCE.

I was going by the door at the very same time, a young fellow was standing at the door, and he asked me to take the bundle

for him to Oxford-road, and he told me he would pay me for my trouble; I turned up Newman-street, and his young man here followed me, and asked me for the bundle, and I gave it him, and the servant maid when I came back asked me where the young man was? I told her I did not know; she asked me if I knew him, I told her I did not.

The prisoner called two witnesses, who gave her a good character.

GUILTY, (Aged 19.)

Privately whipped.

Tried by the second Middlesex Jury before Mr. Justice GROSE.

366. ELIZABETH HYDE was indicted for feloniously stealing, on the 15th of September, a man's cloth coat, value 15s. two waistcoats, value 5s. a pair of man's leather gloves, value 6d. and one key, value 2d. the goods of Thomas Walker.

THOMAS WALKER *sworn.*

I am a hair-dresser at Highgate; I had an acquaintance came up to Highgate on Sunday the 4th of September, and I went home with him; coming along we called at the sign of the Adam and Eve, and had some Burton, being rather in liquor I came with my acquaintance to the bottom of Tottenham-court-road, and had some liquor there: I was returning home, and as I was going along I met with the prisoner at the bar, as it was dark I did not rightly see her, being in liquor; however, being persuaded by her, I went home to her at No. 5, Tumble-street, Tottenham-court-road, just at the bottom, and I was there from about ten o'clock till four o'clock in the morning, and there was no other person in the room but the prisoner at the bar; at this time I missed my coat, two waistcoats, one pair of gloves, and a key, which was the key of the room. I immediately got up

up and went to the watchman, and he came with me and searched the premises. We found nothing, and I went home to Highgate without coat or waistcoat; I let it be then, and never took no notice of it till next Monday se'nnight following, I went then to the same apartment, and caught the prisoner in the room; the prisoner I believe was in bed, she got up, and went with me to the public-house very readily; she had been there about a quarter of an hour, and she confessed she was the person that took the things, and where they were pawned, at Mr. Lane's, in Holborn. I went to Lane's with an order, and there I found them; she said she had tore the duplicates all to pieces.

ALEXANDER LANE *sworn*.

I am a pawnbroker, I took a coat and two waistcoats of Elizabeth Wilson, (I now produce them); Elizabeth Wilson is a customer of ours, she pawned them with me for one guinea. (Produced and deposed to.)

Who is Elizabeth Wilson?—She is a person who hath pledged things often at my shop.

Is she a married woman?—Yes.

Did you ask her how she came by them?—I did not, as I had known her for some years, and she had before brought such things.

PRISONER'S DEFENCE.

I pledged these things myself, and the prosecutor promised me, upon his oath, he would not trouble me in the least if I would own to it, and after I had owned to it he told me he would not hurt an hair on my head.

Court. Is that true?—Please you, my lord, I told her I would be as favourable as I could to her.

Did she tell you they were at Lane's?—Yes.

Prisoner. I have no witness but myself.

GUILTY. (Aged 34.)

Fined 1s. and imprisoned twelve months.

Tried by the second Middlesex Jury before Mr. Justice GROSE.

367. ANN THOMAS was indicted for feloniously stealing, on the 22d of August, one copper saucepan, value 6d. a tin saucepan, value 1d. one iron hammer, with a wooden handle, value 1d. an iron fire shovel, value 4d. a poker, value 4d. a flat iron, value 4d. the goods of Richard Chard.

RICHARD CHARD *sworn*.

I am a lamplighter, I keep a house; I did not see the things taken, but they were taken from the kitchen, I saw them the night before; I stooped the prisoner, I stooped her on the middle of the kitchen stairs, and she had all the articles in the indictment about her, a copper saucepan, a tin saucepan, and an iron hammer in a basket, which she held in her hand. She asked me to go down stairs, and I took the basket from her, and kept the things that were in the basket from that time to this. (Produced and deposed to them.)

Did you find they were missing from the kitchen?—Yes.

When you met her on the stair case, was she going up or down?—She was coming up.

Prisoner. Did you bring these things to the justice?—I did.

Prisoner. You did not, you only brought a shovel and poker.

SARAH CHARD *sworn*.

My husband calls out to me, and says, Sally, Sally, what has the woman got, do you know these things? I came and I saw her coming up stairs with the basket, and these things in it: She asked my husband to let her go down stairs; I followed her down into the kitchen, and she had a shovel and poker, putting them out of her hand, and the flat iron dropped from under her petticoats directly after. I missed every article I found upon.

PRISONER'S DEFENCE.

I know nothing at all about it.

GUILTY. (Aged 64.)

Fined one shilling, and imprisoned one month.

Tried by the second Middlesex Jury before Mr. Recorder.

368. THO-

368. THOMAS EASTHOP was indicted for stealing, on the 1st of September, eight wether sheep, value 8l. the property of Joseph Sellon.

The case opened by Mr. Garrow.

MARTIN BENNETT *sworn*.

I am servant to Mr. Joseph Sellon. On Thursday, the 1st of September, I saw his flock in the field safe at five in the afternoon. I went into the field to bring home some lame sheep to dress; I saw no person in the field at that time; I turned the sheep into the house, and dressed them in their feet, and drove them back to the field between five and six. To the best of my knowledge there were 43 in that lot; then I went into another field to look after the rest of the flock. As soon as I entered the second field, I discovered a man lying by the ditch side; I observed him; I went down half-way in the field to ask him what brought him there; when I got down about half the field, he arose from the ditch; there was a stile and a path; he appeared to avoid me; I took a short cut, and met him; when he could not avoid me, he asked which was his way to the Harp, a public house; I directed him to it; he went over the gate as I directed him, but turned, and took a direct contrary way; that man was the prisoner; I am sure of him; I have not the least doubt but that is the man. I saw no more of him that day; I believe it might be between five and six in the evening. About eight I counted my flock, and they were all safe. I saw them again about eight in the morning, I missed eight Lincolnshire wether sheep, marked J. S. the initial letters of Mr. Sellon's name; I marked them; it was a brand mark. I went to Bow-street on Saturday, and then with Crocker to the prisoner's house; I think it was about one, to the best of my knowledge; he lives in Sommers Town, and keeps a butcher's shop; it is about four miles or more from where the sheep were lost. The prisoner was not at home; we were waiting at the public-house; the prisoner passed by, and I

shewed him to Crocker as the man that had been in the field, and that I suspected him taking the sheep; I immediately recollected him as such. The constable went out after him, and they two came down, and I saw them go into the prisoner's house, and I went with them to the prisoner's house. There we found a quantity of mutton; three legs, a loin, and a side, but no whole carcases; there were not so many joints as would make a carcase; that was all the mutton we could see. The constable shewed him the search warrant, and asked him where he got the mutton; he refused to tell him; he said, what odds does it make to you where I got it? The constable said, if he would not tell him where he got that mutton, he would take him into custody; that if he bought it at a fair market, he need not be ashamed to tell him; that if he would mention where, he would send a man to enquire. He said, it was nothing to him where he bought it. Then the constable called on me, and we went into his back yard; there we saw something like a sack with something under it; there were under it four paunches, and one skin under it; which skin I opened out, and it was branded with Mr. Sellon's brand; I am sure it was the skin of one of those that were taken away; I have not the least doubt. The constable searched for them. Then the constable opened a door out of the yard, like a little wash-house, there was a fifth paunch behind a tub, and in the tub four skins, making five paunches and five skins. I examined the marks of them; they were all the same marks; I am sure they were all Mr. Sellon's skins, I have not the least doubt. The constable noticed the back window of the parlour made fast, the shutters up, and I believe nailed; it was a very small yard. We came into the house, and demanded the key of the parlour of the prisoner, which we got with some difficulty; we asked him numbers of times; they said, both the prisoner and his wife, I will not give it; that the prisoner repeated more than once, and the wife in his presence. At length one of them gave the key, the constable unlocked the

the door, I went in, and found three sheep alive, with the same brand mark; I can swear positively they were three that Mr. Sellon lost. I had a further mark on one that was alive; on the rump of it there was a large scab; it produces no wool, part on the rump, and part on the tail; that I observed at the time they were bought and brought home, I observed that particular mark.

That applies only to one?—There were some bits of beef besides, and some lamb, but that I took very little notice of.

Mr. Knowlys, Prisoner's Counsel. The man you believe to be the prisoner you saw between five and six?—Yes.

And you lost sight of him from that time?—I did.

About eight you counted your flock, and they were all right?—Yes.

It was not till eight o'clock the next morning that you were enabled to ascertain whether you had lost any or not?—No.

The prisoner keeps a butcher's shop?—He did then.

The mutton you saw there was in a good state for butcher's meat?—Yes.

Such meat as butchers would buy?—Yes.

Mr. Garrow. What condition were your sheep in?—Very good condition.

They were in a condition that would very likely produce such mutton?—Yes.

HENRY CROCKER *sworn.*

I am one of the officers of Bow-street, and captain of one of the patrols; in consequence of a warrant from Bow-street, I went with the last witness, Mr. Bennett, to the public-house, and I saw a person pass me whom I did not know; Bennet pointed him out to me, or else it was another butcher said, that is the man: in consequence of that I followed him with another man up the street, I saw him go into another public-house; he was standing at a table, I called him out of the tap-room into a back parlour, I told him he must go home with me to his own house, he seemed to be very much astonished, he wanted to know for

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what; I did not say much, I did not tell him at that time, I said, I shall not expose you, go home with me, but go and drink your porter; he drank his porter, and came out with me and two others; going along he asked me what I wanted with him to go home; I then told him it was on suspicion of sheep-stealing; I cannot say what he said: when we came to the prisoner's house, Bennett followed me, and I saw some mutton hanging up in the shop; I asked him where he bought that mutton; I believe he said, am I obliged to tell you? I said no honest man, no tradesman would be ashamed to say where he bought his meat; will you, or will you not tell me? he said either, I will not, or I do not chuse; I saw a parlour-door, but would not open it, I demanded the key, that was before I went into the yard, I threatened to break it open, I did not get the key, I said to Sheppard, come with me; I ordered the man to be secured, and in the yard I found one sheep-skin, I laid hold of it and spread it, there was a brand mark of J. S. Bennett said it was his master's; I then went into a little place like a washhouse, and in a tub there were four more skins, which Bennett said were his master's, and I believe there were five paunches; I saw a window, and I tried it, and it was fastened; I said immediately to Bennett, there is some of the live sheep here; I immediately went round into the house again, and demanded the key, or I would break open the door; the wife gave me the key; on opening that parlour-door I found three live sheep, they had the same brand mark, which made eight skins of that mark; I found no other live sheep there, nor any other skins; as soon as I went into the house again, to demand that key, I said I am sure there are some of the live sheep there; the prisoner said, yes, there are three.

Mr. Garrow. He had not given you that information before, that there were live sheep there?—No.

Your observation was, there are some of the live sheep there?—Yes; he said there were three.

I

You

You had called out to the man in whose custody you had left him, to take care of him, for you had found the skins?—Yes, I had.

Mr. Knowlys. The shop had the appearance of a butcher's shop?—Yes, there was mutton, and lamb, and beef.

The mutton was such as a butcher might sell with credit?—Yes.

Mr. Garrow. The skins were not in a condition to be produced in court?—I brought them to Bow-street, and they were a nuisance.

PRISONER'S DEFENCE.

I am as innocent as any man in the world of depriving my prosecutor of his property; I knew not my way where that gentleman tells you he saw me, I was lost, I met the bailiff, and endeavoured to gain intelligence of him; I had business with Mr. Bell, who was not at home, I went to Hendon, to buy a cart for my use, but being full of customers I returned home, and about ten minutes past ten, a man that I had bought many pounds worth of goods from, came up and called me by my name; I thought I knew his face, I went down to the door, and it was a person that goes by the name of Joe, he sells a deal of goods in Smithfield, but does not employ a proper salesman, and always takes his money himself; he told me he had eight sheep, and would be glad I would buy them of him; I told him it was late in the evening, I could not think any thing about buying them, nor should I know the value; he called me by my name again, and said as they were lame with travelling, he would turn them into my premises, I might kill them at my leisure, he would leave the price entirely to me, and call again the first market-day he came to Smithfield; him and his boy went away, I had not the least idea in the world of their being stolen goods, I killed part of them, the skins were ready to go to the salesman when this gentleman came; Innocent as I was about the matter, I knew nothing about the business, I had not a better place to keep them in than

in the little place, a place out of repair; the rest I meant to keep for a future time, for I had not the least idea in the world of their being stolen: I was taken into custody before the man came for the account.

The prisoner called seven witnesses to his character.

GUILTY, Death.

*Tried by the second Middlesex Jury before
Mr. RECORDER.*

369. MARY SMITH was indicted for feloniously stealing, on the 21st of July, a silver watch, value 21s. one metal seal, value 18d. a base metal watch-key, value 2d. a linen handkerchief, value 10d. the goods of Thomas Hall, privily from his person.

(The witnesses examined separate.)

THOMAS HALL *sworn.*

I am a coach joiner, Oxford-street; on the 22d of July last, I believe at a quarter past twelve at night, coming up the Hay-market, this woman asked me for something to drink, which at first I refused; but to get rid of her, I went with her, and gave her a glass at the bar; I went into no private room, I believe it was a glass of brandy, or it might be gin, I cannot say positively; I went to the bottom of the street, Richmond-street, I believe it goes into Wardour-street, I thought of going home through Wardour-street, and I felt her hand in my pocket, and I thought I felt my watch go, but was not certain directly, for she pushed me about; I went back with her to the bottom of the street, thinking I had lost my watch, till I came to the watchman at the corner of the street, I charged him with her, and he took her to the watch-house; there they asked me if I had lost any thing else; I said no, because I then did not know it, but she delivered the handkerchief up when they were going to search her.

RICHARD

RICHARD CAREY *sworn.*

I am watchman of St. James's parish; at about a quarter past twelve, on the 22d of July, Thomas Hall called to the watchman, and I came to him, and he desired me to take charge of this woman; I did so, and took her to the watch-house, and the watch was found upon her.

ALEXANDER WELLINGTON*sworn.*

I was constable of the night; this woman was brought to the watch-house by the prosecutor and watchman, and she pulled out and gave me the watch, and said he gave her the watch to hold till he gave her two shillings, when they went back to a house where they had been before to have some gin; (Produced.) In the other pocket was the handkerchief, which the prosecutor claimed, and did not know he lost it till he saw it.

(Deposed to.)

Court. Had you given her that watch to hold for two shillings?—I should hardly have done it, when I had plenty of money in my pocket.

Wellington. When the woman said that at the watch-house, I asked the prosecutor if he had any money in his pocket; and he immediately put down on the table half a guinea and some silver.

PRISONER'S DEFENCE.

I was going down the Hay-market a little after twelve o'clock, and the prosecutor asked me if I would go home with him, and we went and had some gin at two different places; he then asked me what he should give me; I told him two shillings: he pulled two six-pences out of his waistcoat pocket, and I told him I would not accept of that: he said he had no more silver about him, and asked me if I would trust to his honour; I told him I would not; he said he had gold about him, and said he would leave his watch with me, and would go back to the house where we had the first liquor, and get change, and give me the two

shillings; I went along with him, and afterwards he asked me for his watch, and because I would not give it him without the two shillings, after some words, he gave the watchman charge.

GUILTY of stealing, but not privily.
(Aged 24.)

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.*

370. **ELIZABETH GOULGER** was indicted for feloniously stealing, on the 7th of August, one guinea and a half, and five shillings, and five halfpence, the monies of William Kelly.

WILLIAM KELLY *sworn.*

I am a labouring man. I met the prisoner about four o'clock in the morning in Doyle-street; I live in Bloomsbury; I am a bricklayer's labourer. On Sunday morning, the 7th of August, she asked me where I was going; I told her, home; she said, as her husband was not at home I might lay in his bed; she brought me into the lodging, and I asked her what she would have for me to *stretch* on the bed; she asked me one shilling; I said, I thought sixpence was enough. I gave it her, and laid down on the bed; and the prisoner at the bar came to me, and took my money out of my pocket; I felt her taking the last, and caught hold of her of her hand; she cut my pocket through my breeches, and drew my money out of the hole she cut. While I had hold of her, a man stepped into the room, and got hold of me by the collar, and gave her liberty to go off; I kept hold of my money as long as I could, till this man came in, and shoved me out.

Was you sober?—Yes, I was perfectly sober.

When she got away, this man pushed me back again, and went out and locked the door; and in about ten minutes he and another

another woman came and pushed me out. I returned about six in the morning with some other men, and seized the prisoner in bed.

Are you sure this was the woman?—I am perfectly sure.

PRISONER'S DEFENCE.

I never saw this man till he came about six o'clock in the morning, when he and four Irishmen came and jump't into the window, and took and dragged me out of bed naked, and dragged me to the watch-house all naked, and they searched me, and found only one six-pence in my pocket, and that was all.

GUILTY. (Aged 29.)

Fined 1s. and imprisoned three months.

*Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.*

371. SARAH JESSOP was indicted for feloniously stealing, on the 12th of September, one pair of linen sheets, value 7s. one brass candlestick, value 8d. the goods of Thomas Stapleton.

The witnesses examined apart by the prisoner's request.

THOMAS STAPLETON *sworn.*

I keep a public-house, Northampton-street, Wood's-clofe, Clerkenwell; I let a lodgings to this woman and her husband on the 12th of the month; a young man out of the country coming to see me, and going to bed, I missed the sheets; in the morning I spoke to the prisoner at the bar, and says, it is my opinion that Mrs. Berry and her sister had stole the sheets, who lodged in the next room. I found the things at the pawnbroker's, and they were pawned in the name of Sarah Wright.

Prisoner. I would be glad if Mr. Stapleton would restore the things which he hath of mine, before I make my defence;

he hath got a feather pillow, a pail, a tumbler, and a wine glass.

WILLIAM ALLEN *sworn.*

I am a carman. Last week I was sitting in the prosecutor's yard drinking a pint of beer, and I saw the prisoner come through the yard with something in her apron, between eight and nine in the evening; the next morning the sheets were missing.

JAMES GILLMORE *sworn.*

I am servant to Mr. Gillmore, pawnbroker, St. John's-street, Clerkenwell. The prisoner came to our house on the 10th of September, and pledged this candlestick; and on the 12th she pledged a pair of sheets, between seven and eight in the evening, in the name of Sarah Wright; I am sure it is the person; I knew her before, I lent her 3s. 6d. on them. (Produced.)

PRISONER'S DEFENCE.

I never pawned the sheets at all.

Gillmore. I am sure I took them in of the prisoner. (The sheets depoted to.)

THOMAS PIXLEY *sworn.*

I am a scale-beam-maker, Monkwell-street; I have know the prisoner above three quarters of a year, a very hard-working young woman. She polishes Japan waiters.

WILLIAM MARTIN *sworn.*

I am a butcher, Charterhouse-street, No. 2, a journeyman; I have known her four years, a very industrious woman till this time.

REBECCA WADE *sworn.*

My husband works at Mr. Welch's, the starch-house; she lodged in our house sixteen months, three quarters of a year ago, or not quite so long; I never knew any dishonesty by her in my life.

GUILTY. (Aged 21.)

Fined 1s. and imprisoned three months.

*Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.*

372. ELIZABETH WRIGHT was indicted for feloniously stealing, on the 1st of September, a linen shirt, value 10s. the goods of Richard Smith.

ELIZABETH POPE *sworn.*

I am a washer-woman in Mitre-court, Linnehouse; I lost a shirt the 1st of this month off from the line; I hung it up to dry; it belonged to Richard Smith; it was found in the prisoner's custody between seven and eight o'clock in the evening.

ELIZABETH BARNETT *sworn.*

I am a silversmith and sloop-seller. On Thursday evening, I believe three weeks to-morrow, the prisoner came to my shop, and asked me to lend some money on the shirt; I told her, I took in no pledges, but I bought outright; with that she asked me, if I would buy it? On this, she took the shirt from under her arm, and opening it, I found it was wringing wet. I told her, it was not her's; she said, her husband was a rigger of a ship, and if I did not like to buy it, to give it her again. I asked her, what she asked for it; she said, three shillings. I told her, I should have liked it better if she had asked three crowns. So I sent out to a neighbour, who is an officer, and we took her to the magistrate's, and I have kept the shirt ever since.

PRISONER'S DEFENCE.

I never offered to pledge it; and because I would not take three shillings for it, she sent for a constable. And the way I came by the shirt, a young man met me, and asked me if I would go with him; and he had no money, but he said he would make me a present of that shirt.

(The shirt deposed to.)

GUILTY, (Aged 22.)

Fined 1s. and imprisoned three months.

Tried by the second Middlesex Jury before Mr. COMMON SERJEANT.

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373. MARY HUGHES was indicted for feloniously stealing, on the 12th of September, one cotton gown, value 4s. the goods of Anthony Simpson.

CATHERINE SIMPSON *sworn.*

Last Monday was a week I lost a little boy, and went out to look after him, and when I came back I met Mary Hughes coming out of my entry with a gown in her apron. I live in Crown-court, Short's-gardens. I charged the constable with her, and the gown being wet, I had it to dry, and have kept it ever since; I had thrown it over a line to dry.

PRISONER'S DEFENCE.

I know nothing about it.

RICHARD BUNNY *sworn.*

This woman gave me charge of the prisoner.

GUILTY. (Aged 49.)

Fined 1s. and imprisoned three months.

Tried by the first Middlesex Jury before Mr. COMMON SERJEANT.

374. WILLIAM BENNET was indicted for feloniously stealing, on the 13th of August, one plane, value 4d. two iron chissels, value 4d. one iron adze, value 2d. one screw driver, value 1d. one gimblet, value 1d. the property of Roger Clare; and one iron hammer, with a wooden handle, value 4d. one screw driver, value 2d. and one brad awl, value 1d. the goods of James Clare.

ROGER CLARE *sworn.*

I am a carpenter, I was at work at the new buildings, Southampton-street, Pentonville; on the 13th of August I went to work about five o'clock in the morning, I had left the tools there on the night of the 12th, some laying on the bench and some on the shelf, in the house; I found the top rail broke down, and the shutters very much bent, and the top bolt off, and the shutters were pushed too again.

K JAMES

JAMES CLARE *sworn.*

I am a carpenter, I had left my tools on the 12th in the same building.

THOMAS SMITH *sworn.*

I am a watchman, I kept the prisoner at the side of the Chapel, Battle-bridge, on the 13th of August, just before one, and asked him what he had there? he said, he was a carpenter, and was come from work out in the country, and was going home. I secured him and the tools too. I delivered them to the constable of the night.

(The tools produced, and deposed to.)

PRISONER'S DEFENCE.

I went to Kentish Town to carry a kit of salmon, and as I was coming back I saw these tools lay in the road, and I picked them up, and put them into my apron.

GUILTY. (Aged 50.)

Whipped, and imprisoned twelve months.

Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.

375. **SARAH WALDEN** was indicted for feloniously stealing, on the 29th of August, two silver tea spoons, value 2s. a check apron, value 1s. a muslin handkerchief, value 1s. an half shawl, a woollen petticoat, value 6d. a linen shift, value 1s. a cotton neckcloth, value 6d. the goods of William Northover.

WILLIAM NORTHOVER *sworn.*

I am a housekeeper, the woman was my servant; I got up at six o'clock on the 29th of August, the first thing I missed was my watch, on Monday morning I had last seen it hang on the side of the mantle-piece in my bed-room, and all the articles in the indictment, besides many more; I recovered them again at the pawnbroker's about three weeks after I lost them.

JOSHUA ALLEN *sworn.*

I am servant to a pawnbroker, on Saturday, the 10th of September, the prisoner

pawned an apron and a muslin handkerchief; I knew her person; on Tuesday the 13th she pawned another apron.

JAMES WILSON *sworn.*

I am a pawnbroker; the prisoner pawned a watch the 30th of August with me, and two silver spoons. (Produced.)

JOHN GARUDE *sworn.*

I am a pawnbroker's servant; I produce a shift, a coloured apron, and a neckcloth, the apron and neckcloth were pawned the 26th of August, and the shift the 6th of September.

JOHN CARR *sworn.*

I am a relation of the prosecutor's; Mrs. Northover sent for me, and I went to Bow-street, and saw the prisoner searched, and there was a petticoat and half shawl taken from her, (that was this day week,) and several duplicates, which led to these articles. (Produced.) Two applied to the things pawned at Allen's, three to Garude's, and one to Wilson's.

Mrs. NORTHOVER *sworn.*

I can swear to the shawl, by some of the edge of the fringe worn off; I can swear to the flannel petticoat, for I pieced it.

Mr. Northover deposed to the watch.

PRISONER'S DEFENCE.

I beg the mercy of the Court.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before
Mr. RECORDER.

376. **JOHN ADY** was indicted for feloniously stealing, on the 16th of September, two muslin gowns, value 10s. the goods of Robert Buttersworth.

ANN

ANN BUTTERSWORTH *sworn.*

I lost two linen gowns from the yard, hanging up to dry; I did not see them taken, but I was sent for on the 16th of this month to Sir Sampson Wright's.

MARY PURCELL *sworn.*

I go out to wash and iron; I was hanging out some clothes out of a two pair of stairs window, and saw a man take a wet gown, and put it under his coat, and I gave an alarm.

DAVID LUMSDEN *sworn.*

I follow the sea, I heard the alarm given, and I ran after the prisoner, and took him in Great Earl-street with the bundle under his arm. (Produced and deposed to.) I live in the house from whence they were taken.

How far is that from whence you took the prisoner?—It is the length of a short street and court.

PRISONER'S DEFENCE.

I am a taylor by trade; I went into a house in that street to do my business, and as I was coming out again, two young men met me, and desired me to take hold of the things, and asked me if I had an handkerchief in my pocket, and he called me by my christian name, and desired me to hold them things for him, and I did, and this young man came up, and took me upon the alarm, and the other fellow ran off.

GUILTY. (Aged 19.)

Whipped, and imprisoned six months.

Tried by the first Middlesex Jury before Mr. RECORDER.

377. **JANE PORTER** was indicted for feloniously stealing, on the 11th of August, one linen sheet, value 4s. one linen table-cloth, value 2s. the goods of Thomas Morgan, in a lodging-room.

THOMAS MORGAN *sworn.*

I let a lodging to the prisoner, the 4th of August; she was to pay 2s. 6d. a week, furnished; she staid till the 12th; and when she went, the sheet and the table-cloth were gone; she gave me no notice; she left her room locked; in about three days I got into the room, and found the articles were gone.

— **GOUGH** *sworn.*

I am a pawnbroker's servant; I produce a table-cloth, and an half-handkerchief; I took it in the 9th of August, but I cannot tell of whom; the duplicates are of my hand-writing.

JAMES JONES *sworn.*

I found the duplicate on the prisoner last Thursday; I am a constable.

Mr. Gough. It is the duplicate of a table-cloth and half-handkerchief.

— **ALLISON** *sworn.*

I prevented the prisoner from making her escape from the officer; she attempted to strike him, and used him very ill.

(The table-cloth produced, and deposed to.)

Prisoner. I am not guilty; I never was in the pawnbroker's house in my life; I found the duplicate; I cannot read; and I gave it my landlord to read it.

GUILTY, (Aged 43.)

Fined 1s. and imprisoned three months in Newgate.

Tried by the first Middlesex Jury before Mr. RECORDER.

378. **ELIZABETH MERCHANT** was indicted for feloniously stealing, on the 5th of August, one stone knee-buckle, set in silver, value 3s. and two guineas, and twelve shillings, in monies, numbered, the goods and monies of Thomas Wilton, privily from his person.

(The witnesses examined separate, by the prisoner's desire.)

THOMAS

THOMAS WILTON *sworn.*

I keep a shop in Red-lion-street, Holborn; I am a peruke-maker, and I lodge in Castle-street, Bloomsbury; I was going up Holborn, on the 5th day of August, early in the morning, nearly two o'clock; the prisoner at the bar met me on the road, and asked me where I was going, and I said, home; she says, you may as well go along with me; I did not know she was a woman of the town.

You could not much doubt what she was?—No, not much; I asked her where she lived, and she said, just by; and being early in the morning, I went with her to a lodging, where the woman of the house asked me a shilling for the bed; I said I will give you a shilling; says I, I do not want any thing of this woman; if you can find her a lodging, I will pay you for it, and she shall have a lodging in any other part of the house; the woman did not seem to say much to what I said, but went up stairs with me; and I took out the money out of my breeches pocket, and put into my stocking, at my knee, and buttoned my breeches up tight, in the presence of the woman; and I took my coat and shoes off, and laid down myself; I fell asleep, and she was in the room; she did not attempt to lay down, or undress herself; I awaked, and I lay awake some time before she offered to go out of the room; I suppose this was in an hour after I had been in the room; seeing her going out of the room, I felt the knee of my breeches, and found the money gone, and my knee-buckle gone; I got up immediately, and laid hold of the woman as she just got the door open, and got out of the room, and calls immediately for a watch; and the landlord came up immediately, and asked what was the matter; and I said, this woman has robbed me, and I will not quit her till the watch comes and takes charge of her; the watchman came, and I gave her into his custody, and put on my coat and shoes to go along with him, and went to the watch-house, and gave charge to the constable: I lost two guineas in gold, and twelve shillings in silver, and

my knee-buckle; the woman was searched, and her room, and the knee-buckle was found in her box, but no money.

This was about two o'clock in the morning; where had you been spending your evening, was you sober?—Yes.

How came you to go with this woman?—It was early in the morning, and I did not wish to go to disturb the lodging where I lodged.

You told us you did not know whether she was a woman of the town, at this time; certainly you could have no doubt?—No.

How came you to say that you did not know it?—Because I had not any connexion with her; I went with her for no other view than to get a bed for a night.

Have you lived in London long?—Yes, almost all my life-time.

And you did not know where to get a lodging?—Not that time in the morning, at that part of the town.

You live in Bloomsbury, and you met her in Holborn, therefore it was not a part of the town you did not know?—I did not know of a lodging to go to, without paying an extravagant price for it.

You did not know what you was to pay for this?—If it had been extravagant, I should not have gone.

You was perfectly sober, you had been drinking nothing at all?—No more than a pint or two of beer.

This was past two o'clock?—About two, my lord.

How long had you been drinking?—From six o'clock, and in that time I might have drank three pints of beer.

All this at one public-house?—No, not at one; I was at two or three.

Where was the first?—At six o'clock I went to Cow-lane.

How long did you stay there?—About an hour and an half.

What did you drink there?—We drank some porter; there were seven in company, and I dare say we did not drink a pint a-piece: I went from thence to a house in Holborn, the Blue-Boar tap; there there were four or five in company, that were neighbours,

neighbours, and I staid there about the same time, about an hour and half: the next house we went to was the French-horn, in Holborn, a little higher up.

And it was about nine o'clock when you got there?—About nine, Sir.

How long did you stay there?—I did not stay there a vast while; I do not think I was there more than half an hour; that was the last house I was in before I met this woman: when I came out, I went along with a friend a little way up Holborn, and left him there in Holborn.

You began at six in the evening, and staid an hour and half at the first place, and then got on for another hour and half, and then got to the French-horn, and staid there about half an hour; this brings the time, from when you first set out, to nine or ten o'clock; what did you do with yourself from nine or ten o'clock till two in the morning?—I must have staid a considerable time more than that, a considerable time.

You must have been drinking much more than what you say?—I do not think I had.

How came you to run from public-house to public-house?—They are customers of mine, and I called in to ask them how they did; I was not all the time in the public-house, because there was the ground of walking.

The ground is not a great deal, it is only the length of Holborn; and it was past two in the morning?—Not quite two.

Your information says past two, between two and three; I wonder how you, a decent man, should go so readily with a woman of that description, between two and three in the morning, and apply to her for a lodging?—It was very wrong; my Lord.

You might have had a lodging at the Blue-boar, or at the French-horn?—I never lodged at the Boar, nor asked them for a lodging.

Now recollect, do you mean to state to the jury, that, though you had been at these three houses, you was perfectly sober, and had not drank above three pints of beer?—I do.

When you got to this lodging, you had

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some suspicion of this woman, and you put your money in that form because you had some suspicion of the person?—I suspected losing my money somehow or other, and I put it into my knee for safety.

Where was this?—I believe it is called Church-lane, St. Giles's.

How came you to remain there, if you was sober?—Because I was too late to go home.

Prisoner. Did not he swear at first it was three guineas?—I had three guineas in my pocket, but I found one on the top of the bed.

Court. Was she on the bed with you at any time?—She never was on the bed to my knowledge.

Are you a married man, or single?—Single.

What people do you lodge with?—They keep a milk-shop.

They are up early in the morning?—Yes, as early as four or five o'clock.

Then why did not you go and awake these people?—If I had waited for their hours, they would have been up.

Prisoner. The witness insisted at the justice's that I went to bed with him, which I certainly did; and did not you say, first, that you had lost three guineas and fourteen shillings?—I did at first, but afterwards I did not like to charge her with any more than two guineas and twelve shillings.

DANIEL HOGEL *sworn.*

I live in Buckley-street; I am the watchman; I took charge of the woman, after four in the morning; it was to a common lodging-house; the watch-house keeper desired me to search the woman, and I found nothing upon her but a box, and I gave it to the watch-house keeper; the charge was for robbing him; I looked upon him he was sober.

VALENTINE LUMBLY *sworn.*

I am watch-house keeper: at past four o'clock these people were brought to the watch-house; the watchman searched the woman, and found a box, and gave it to

L me;

me; I opened the box with expectation of finding some money, but there was none in; the next morning I went to the justice's, and turned out all the things on a table, and there was a buckle which the prosecutor said was his, and he swore to it. (Produced.) It has been in my custody ever since.

Prisoner. I insisted upon my box, and they put the buckle in; I know nothing about it. (Deposed to.)

Lumbly. The prosecutor was sober.

Court to Prosecutor. Perhaps this woman awaked you in unbuttoning your knees?—I believe she did.

Prisoner. I was going up Holborn exactly at four o'clock in the morning, and the prosecutor came by and asked me if I could get him a lodging; I told him I did not know where to get one, but he had better go to the French-horn; and he said he would not go there, it was so dear; and he took me to this house, because it was cheaper; and he paid a shilling for himself, and I asked him to make me a compliment; he said he would afterwards; I went to bed with him, and was about half an hour on the bed with him; and then I asked him again if he would make me a compliment; he said he would not; then I went down stairs, and told the gentleman down stairs I would not stay, because the man would not make me a compliment; he came down too, and said he had lost his coat; he went up stairs again; he came down again, and said he had found his coat; he went up stairs again, and said I had robbed him of his money; I was searched, and there was nothing found upon me but twopence half-penny and my box of duplicates; and when I complained for want of my tobacco-box at the justice's, then Mr. Walker took that knee-buckle in his hand, and asked me if I knew that; I told him I did not; it was put into the box, but I know nothing about it.

GUILTY of stealing, but not privily.

(Aged 25.)

Fined 1s. and imprisoned three months.

*Tried by the first Middlesex Jury before
Mr. COMMON SERJEANT.*

379. THOMAS JONES was indicted for feloniously assaulting Thomas Lewis, on the King's highway, on the 18th day of August last, and putting him in fear, and taking from his person, a silver watch, value 40s. a watch chain, value 3s. and a seal and key, value 2d. his property.

(The witnesses examined separate.)

THOMAS LEWIS *sworn.*

I am a tobacconist, I live in Little St. Martin's-lane; on Thursday, the 18th of August last, between nine and ten in the evening, I was returning home from Brompton; at the corner of Leicester-fields, by Cranbourn-street, I observed four or five men around me, I went as far as Rider's-court, Little Newport-street, I was not alarmed till I got into Newport-street, when they pressed close around me, and the prisoner elbowed me up towards the houses; I am sure he was the man; a man turned short round that was before me, and snatched my watch out of my fob, with a force that staggered me, for it was tight in; I was flurried and crossed the way, and pursued, and called out stop thief; the man that robbed me and the prisoner ran in the same direction, and at the same time; the man escaped that took my watch, the man took my watch and ran down Rider's court into Newport-street, there I lost sight of him, the prisoner was following the man that robbed me, I lost sight of both; I found the prisoner in Little Cranbourn-alley, at the farther end, next Bear-street; the prisoner was at my right elbow, it was nearly at the same time that the watch passed: the prisoner did nothing more to me than elbow me, he gave me a violent shove of the elbow, I do not charge him with any violence at all; it was in a manner that startled me very much, but at the same time it was no violence; I took no notice of them till two or three minutes before; the man that escaped and took my watch ran first, they were both running when I cried stop thief; I secured him when I found him in Cranbourn-alley, I am perfectly sure that he was the man that shoved me by the elbow; there

there was not light sufficient to observe his face, he had a round hat on; I knew him from his stature and appearance, I lost sight of him, but in two minutes I got up to him again; the watch was found near the spot where the prisoner was taken; the girl's name that found it is Martha Bray; the main-spring is broke, the outside case is lost; so that in all probability it was dropped where it was first snatched; it was a plain silver watch, and a metal chain, and a gold seal, and a common key.

Do not you think this might be the effect of accident; how many people might be about you?—At least three; it appeared evident there was some such intention, I was very much alarmed; there was no carriage passing.

Prisoner. Did not you say you had been drinking?—I do not recollect it, at the same time I was rather fatigued in walking from Brompton than otherwise; I am sensible I was rather elevated.

Was you so sober that you can venture to swear to this man?—Yes, I swore the same at the Justices.

GEORGE WILLIAMS *sworn.*

I am a glass-maker; on the 18th of August last, between nine and ten at night, I saw the prisoner run, I was sitting at the door in Little Newport-street, and I saw Mr. Lewis run after him, and this gentleman that stands here cried out stop thief; he ran to Earl's-court, I ran after him, he ran across Cranbourn-street into Cranbourn-alley, I never lost sight of him; he ran into Bear-street, there I took him, a parcel of people were about him, I carried him to St. Ann's watch-house; I am sure of the prisoner, he had a round hat on, he is the man, I never lost sight of him; the prosecutor did not say before the Justice that he took the watch, but that he hustled him and was in company; he seemed like a sober man, but very much frightened,

JOHN WHITEHEAD *sworn.*

I am a shoe-maker. On Saturday the 18th of August I was in Cranbourn-alley,

and I heard the cry of stop thief, and that gentleman was coming down and I stopped him first, and he struck me over the arms, I had hold of him in Cranbourn-alley, he got out of my hands, he was running as fast as he could run; I am sure that is the man, I saw him afterwards in Bear-street, there I saw him stopped by George Williams and one or two more, it was the same man, he was carried to the watch-house; that is all I know.

Prisoner. Did not the gentleman say I took his watch?—I did not hear him say so, he said it was not the gentleman there (at the bar) that took his watch, it was another gentleman; he said this man shuffled him at the same time, that the other took his watch.

JAMES BRAY *sworn.*

I am a currier. On the 18th of August, Thursday night, I received a watch from my girl; she is here.

(The watch produced.)

MARTHA BRAY *sworn.*

I am fifteen the 3d of October. On Thursday the 18th of August last, I was at the corner of Rider's-court, Little Newport-street; I heard the cry of stop thief, I went down Newport-street, through Earl's-court, and across Cranbourn-street, into Cranbourn-alley, and not quite in the middle I kicked something before me; I picked it up, it was a watch, with only one case, my father has it, a great many people ran before me; this is the watch that I picked up in the court, and gave to my father; I shewed it to an acquaintance directly, it was between nine and ten at night.

(The watch depoted to, and chain and seal.)

Prosecutor. I broke the chain some time before, and mended it with an iron ring; the other case was never found; the case was on in the course of the day.

Court to Williams. You saw this man run on the cry of stop thief?—Yes.

Was you near enough to see him push the

the prisoner?—No, I did not; when I first saw them the prisoner was, I believe, about two yards before the prosecutor; I did not see him push him.

PRISONER'S DEFENCE.

I went to see my brother, an ostler at the White Horse Cellar, Piccadilly; returning through Leicester-fields, I heard the cry of stop thief in Cranbourn-alley, and saw four men run down a court towards the King's Mews; I stopped, and then two young men came and laid hold of me, and said somebody was robbed, and the gentleman came and accused me, and said I took his watch; I said, young man, consider what you are about; I have no watch; he said you are not the man; I said young man consider you are in liquor; but they do do not speak as they did when before the Justice. I never let my friends know, being innocent.

GUILTY, Death.

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

380. HENRY BRITT was indicted for stealing, on the 30th of August last, a wooden hand-roll, value 12d. and eight ounces of unwrought silk, value 20s. the property of John Thompson.

The case opened by Mr. Garrow.

JOHN THOMPSON, the elder, *sworn.*

I am a weaver, I live in Duke-street, Spital-fields; on Tuesday, the 30th of August I had some property of Mr. Bennett's the gauze-weaver, to manufacture; I went to dinner at one o'clock, and left the roll with the silk on it in the scale, on the lower floor, back-room; I returned from dinner about half after one; when I returned I missed this property, I sent my son William to give notice to the loom-brokers, as they were likely to have it offered for sale, I saw it again about half past seven, the

the same evening, at my house, brought by Charles Crawley, Mr. Merrick's servant, that was the same I left in my shop at one; it is here.

Mr. Knowlys. You never saw the silk again, only the roll?—No.

Did not the prisoner come to your house?—He did, when I went in the evening, after the hand-roll was brought, I went to Mr. Merrick's.

Did Henry Britt come to your house on the alarm of this?—He did; he went to Mr. Merrick's, and next day came to our house, he said Mr. Merrick informed him there was a cane stolen from that hand-roll, and he bought it among some ribbon the day before, that Mr. Merrick had bought some ribbon looms, on the 29th.

CHARLES CRAWLEY *sworn.*

I am journeyman to Mr. Merrick; between four and five, on Tuesday, the 30th of August, in the afternoon, the prisoner came to my master's house, and asked if my master was at home, and I told him no; and my mistress said no; he said, well never mind, here is the hand-roll as I bought in the lot yesterday, and he immediately threw it within the door; and he said, never mind, I shall see your master another time, and the next day he came to my master's house, I was not within hearing, he was talking to my master; I ran to Mr. Thompson and gave him notice, and the prisoner said, if I would shew him the house, he would go to clear himself.

Had the looms been paid for before he brought home the roll?—Yes, and some refold; my master is a loom-broker, the looms we bought were those of narrow weavers; we had nothing to do with this sort of rolls.

BARNABAS MERRICK *sworn.*

I am the loom-broker; I bought seven looms of the prisoner, on the 29th of August; I fetched them all home. I was not at home when the prisoner came on the 30th; there were no hand-rolls to the looms. I saw the prisoner on the 31st; he came

came across the way to me; I was dropping a piece of stuff; he came to me, and he said, says he, about that hand roll; about that hand-roll, says I, there has been a pretty piece of work; here has been the foreman of the warehouse, and says, he lost the hand-roll with the silk on; says I, you must go with me, or somebody belonging to me, to the gentleman, to indemnify me, as the property was found in my house. Charles Crawley came home; and I said, you may as well go with him to Mr. Thompson, and he went; I did not go. The prisoner said, he bought it in a lot of goods; he said no more. I bought my lot of goods the 20th; it was the day before I bought mine, so it could not be in my lot; it did not belong to my goods, it belonged to narrow weaving.

Mr. Knowlys, Prisoner's Counsel. There might be in some part of the lot this roll?—Yes.

You thought this man an honest man?—I know nothing to the contrary.

(The hand-roll depoted to by Crawley and Thompson senior.)

Crawley, sen. I lost it about half after twelve from the shop.

WILLIAM THOMPSON, jun. sworn.

I am son of the prosecutor; I know this hand-roll; it was entrusted to my father with raw goods to manufacture; it is marked in my writing in ink B, 1lb. 8 oz. that meant Bennet, and the 1lb. 8 oz. is one pound eight ounces, the weight of the roll. I was sent to the loom-broker's, to give notice that it was lost, on the morning of the 30th of August. I am positive it could not be in any lot sold to Merrick on the 20th.

Prisoner. I leave it to my counsel.

The prisoner's witnesses examined separate by desire of Mr. Garrow.

BENJAMIN DYKES sworn.

I am a peruke-maker and hair-dresser; I have known the prisoner about three years; he is an honest man. On the 30th

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of August I went to his apartment in Webb-square, a front-room, one pair of stairs; I went to shave him, and in the middle of shaving him, a woman came into the room, and said, Mr Britt, I have a few things to dispose of. Says he, good woman, let me see them. She had a sort of box on her arm, with a string upon it; she asked two shillings; and he said, I will speak to you when the barber has done; and I saw him give her silver and some half-pence; there was a sort of wooden thing that I have seen, some article in the weaving branch; it was like this, but I will not say it is the same. I do not know the name of the woman; I never saw her before or since.

MARY SMITHERS sworn.

I live in the same square with the prisoner; have known him about six years, and never heard any thing of him but a hard-working man; he purchased a little box last Tuesday was a fortnight of a woman; there were some stays and little harnesses, and a hand-roll; I heard her ask a couple of shillings, but whether he gave it I cannot say; it was such a thing as that, but I cannot say it was that.

Mr. Garrow. Was you a servant of his?—I live in the same house.

Not a servant?—Yes, a servant.

A sort of housekeeper?—Yes.

What, he is a single man, I warrant?—Yes.

Had he bought any thing of her before?—Yes, some looms.

Are you not called Mrs. Britt?—Not that I know of; but there are foolish people in the world.

The prisoner called six other witnesses, who gave him a good character.

Mr. Garrow to Mrs. Smith, one of the prisoner's witnesses. Did you say to Mr. Merrick, that if he dared to say any thing against Mr. Britt, (the prisoner) you would accuse him of coming by that hand-roll and those looms dishonestly?—Upon my soul, I never said any such thing in my life; upon my oath, I deny it; I never said any thing of the sort.

M

Mr.

Mr. Merriek, and Mr. Thompson, jun. both positively swore to the contrary.

GUILTY. 10d.

Whipped, and imprisoned three months.

381. JOSEPH BROWN and THOMAS INGRAM were indicted for stealing, on the 9th of July last, two silver table spoons, value 6s. and one man's livery cloth coat, value 2d. one other coat, value 12d. the property of Lady Louisa Sussanna St. John, widow.

(The case opened by Mr. Garrow.)

RICHARD LOVETT *sworn.*

I went to Lady St. John's house, in consequence of the information of Ingram, the butler was not at home; I returned to the watch-house, and I found the prisoner Brown in a coach, with the blinds up, and a silver spoon was found upon him. At Ingram's lodgings I found some duplicates of Gordon, the pawnbroker's, and some of Mulcaster's. Brown acknowledged some duplicates to be his, which I found in a dirty shirt at Lady St. John's, they belong to this jacket and waistcoat.

David Gordon produced a spoon which he received of Brown, whom he knew by the name of Mr. Jones.

Robert Mulcaster, jun. produced a great coat, which was pledged in the name of Joseph Brown, to a young man, named George Paul, who was gone away, but could not tell whether he was present when it was taken in, and did not remember being present when a great coat was taken in, and believed he was not present.

Robert Mulcaster deposed that he knew Joseph Brown, and had different customers

of that name, and remembered taking different pledges from the prisoner, and a coat, but could not say what sort of a coat, and never told Lovett that he had received that particular coat of the prisoner at the bar, though he had no doubt but it was pledged by Joseph Brown, but did not remember his bringing it.

John Moore, another pawnbroker, produced a coat and waistcoat, which he received in pledge from him, on the 9th of June, 1791, and thinks he was the person, but cannot be certain.

JACOB GUNN *sworn.*

Deposed to the jacket and waistcoat, as the property of Lady St. John, to whom the prisoner Brown was a servant; that there was one small spoon, about the size of one then produced, which was in the custody of the prisoner Brown.

PRISONER BROWN'S DEFENCE.

I leave it to my Counsel.

Mr. Garrow. I am instructed to say that Lady St. John had a good character with him.

The prisoner Brown called five more witnesses, who gave him a very good character.

Gunn. Brown told me, when he gave me the silver spoon, that he had another making for one that was lost, and he wanted to see if it matched.

JOSEPH BROWN, GUILTY.

Transported for seven years.

THOMAS INGRAM, NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Justice GROSE.

The

The Trials being ended, the Court proceeded to pass Sentence as follows:

Received Sentence of Death, 11.

Berry, John	—	—	338
Clarke, Robert	—	—	339
Collis, Thomas	—	—	358
Easthop, Thomas	—	—	368
Jones, Thomas	—	—	379
Herbert, John	—	—	337
Plata, Thomas	—	—	358
Portsmouth, John	—	—	356, 357
Simpson, John	—	—	314
Tristram, William	—	—	338

To be confined Twelve Months, 4.

James Boutell, (fined 1s.) Catherine Sweet, (fined 1s.) Elizabeth Hyde, (fined 1s.) William Bennett.

To be confined Six Months, 8.

William Watts, (fined 1s.) Mary-Ann Butters, (fined 1s.) Francis Tramp, James Poe, Ann Tribett, (fined 1s.) Thomas Shields, Ann Atkinson, (fined 1s.) Ann Burden. (fined 1s.)

To be transported for Seven Years, 30.

Butters, James	—	—	362
Brown, Joseph	—	—	381
Cane, James	—	—	334
Cahall, Sarah	—	—	344
Campbell, Duncan	—	—	323
Collyer, Elijah	—	—	348
Cox, Robert	—	—	318
Dempster, Alexander	—	—	335
Edmondson, Benjamin	—	—	316
Folkes, William	—	—	313
Gardner, Sarah	—	—	333
——, Richard	—	—	346
Gulliver, Elizabeth	—	—	332
Jones, Mary	—	—	341
Luddett, Simon	—	—	317
Proffer, John	—	—	320
Pitt, Margaret	—	—	327
Purdie, John	—	—	329
Ralph, Robert	—	—	340
Scott, Joseph	—	—	362
Sheridan, Samuel	—	—	321
Smith, Mary	—	—	369
——, Thomas	—	—	326
Suffield, Stephen	—	—	355
Taylor, John	—	—	347
Webb, Francis	—	—	319
Wheeler, John	—	—	343
Williams, Robert	—	—	336
Wood, John	—	—	354

To be confined Three Months, 9.

Elizabeth Emmerson, (fined 1s.) John Fairbrother, Henry Brett, Elizabeth Merchant, (fined 1s.) Elizabeth Gouger, (fined 1s.) Sarah Jessop, (fined 1s.) Elizabeth Wright, (fined 1s.) Mary Hughes, (fined 1s.) Henry Britt.

To be confined One Month, 4.

John Young, (fined 1s.) Ann Thomas, (fined 1s.) James Clear, Mary Smith, (fined 1s.)

To be confined Two Months, 1.

Abraham Swaine.

To be whipped.

John Fairbrother, Henry Brett, Francis Tramp, James Poe, Thomas Shields, William Bennett, James Clear, Abraham Swain, Henry Britt.

The

The trial of **BENJAMIN COLEMAN**, alias **COMBRUNE**, postponed till next Session; also the trial of **WILLIAM PELFREYMAN** and **JAMES RANDALL**; also the trial of **JOHN JOHNSON**, alias **KELLY**.

The following Prisoners were set to the Bar, and received the King's Pardon, on Condition of being transported to Botany Bay for Life.

John Reall, alias George King,
James Sharp,
Thomas Causey,
Joseph Druce,
William Jones,
Robert Jones,
James Kelly,

William, alias George Warren,
John Oxtan,
Thomas Munden,
William Dyer,
William Blewett,
John Lock, and
Ann Cane.

THOMAS CHASELAND refused, and was ordered to a separate cell.

The next Session will begin on Wednesday, the 26th of October, at the Old Bailey.

THE
TRIALS AT LARGE
OF THE
CAPITAL and other CONVICTS,

ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday, the 26th of OCTOBER, 1791, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Honourable John Boydell,

LORD MAYOR OF THE CITY OF LONDON,

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

NUMBER VIII. PART I.

L O N D O N :

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Pater-noster Row.

M D CC XCI.

[PRICE TWO SHILLINGS.]

T H E
TRIALS AT LARGE,
 OF THE
CAPITAL and other CONVICTS,
 ON THE
**KING's Commission of the Peace, Oyer and Terminer, and
 Gaol Delivery for the CITY of LONDON, &c.**

BEFORE the Right Honourable JOHN BOYDELL, LORD MAYOR of the City of London; the Honourable Sir BEAUMONT HOTHAM, one of the Barons of his Majesty's Court of Exchequer; the Honourable JOHN HEATH, one of the Justices of His Majesty's Court of Common Pleas; Sir JOHN WILLIAM ROSE, Serjeant at Law, Recorder of the said City; JOHN SILVESTER, Esq; Common Serjeant of the said City; and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

London Jury.

George Hackett
 John Gafner
 George Lloyd
 John Gardner
 John Newbald
 Thomas Edland
 James Slann *
 Joseph Lewis
 William Slarck
 Henry Hooper
 James Kearley
 John Dowers

First Middlesex Jury.

Thomas Kendleside
 James Rutherford
 Thomas Mills
 Richard Eskelby
 Richard Davis
 Charles Ashby
 John Ellis
 John Parker
 Edward Scott
 Thomas Whitworth
 John Jackson
 Charles Johnson

Second Middlesex Jury.

Jacob Dinning
 William Eldridge
 James Stewart
 Thomas Garrard
 Ralph Morris
 Richard Welch
 Thomas Gibbs
 Thomas Smith
 James Hull
 Charles Teafdale
 George Howell
 Joseph Tilley.

* Thomas Thompson attended the second day in the room of James Slann.

382. **J**OHNSON, otherwise house of Thomas Brooker, about the
KELLY, was indicted for fe- hour of six in the 14th day of August last, no
 loniously breaking and entering the dwelling person being therein, and feloniously steal-
 ing

ing therein a child's skirt, value 1s. a pair of child's stays, value 6d. a bank note, value 10l. twenty pounds in money, and other things, his property.

THOMAS BROOKER *sworn.*

I live at No. 65, Gray's-inn-lane, I am a cheesemonger; I left my house on Sunday the 14th of August, about six in the afternoon, it was then safe; there was no person in my apartments, which are separate from the other parts of the house, and has a different entrance; it is a house let out in different tenements; the landlord does not reside in it; I left my house, and double locked the door about five, or half past five, and all my windows. I returned about a quarter past nine, or before ten, it was rather dark, not quite dark, I could discern people so as to know them. When I came up to my door a woman stood upon the step, I saw the prisoner in the shop; I immediately seized him, and took him with assistance to the Talbot; when he was searched there nothing was found upon him, but in the struggle I took a child's skirt and stays from him. I returned from the Talbot inn, and I got a lodger to stand at my door while I went to the Talbot. I found my drawers broke open by violence, I lost a 10l. bank note, and about 20l. in cash, gold and silver, some guineas, some half guineas, crowns and shillings. I have never recovered any part of my property. There was violence on the shop door, the lock appeared to be picked.

Mr. Knowlys, Prisoner's Counsel. Do you sleep at the Canns in Holborn?—No.

Who is it lets the apartments to you in Gray's-inn-lane?—No one, I am the householder, I let out the apartments.

Who is your landlord?—Mr. Edmonds, two doors from me.

You found a woman at the door, she went away on your coming up?—Yes.

Did you say any thing about the stays at the Talbot?—I am not certain.

Do you know a man of the name of Turner?—Yes, very slightly.

Do you know Collyer?—Yes, I had a lodger of that name, the prisoner is acquainted with him.

ANN HARRIET BROOKER *sworn.*

I am the wife of the last witness; I come to prove the property. (A child's skirt produced.) I have the fellow to this skirt, it is my property, I know it by being my own work; it was kept in a drawer that was broke open. I do not know when I saw it before, but I believe a week before; the value of it is about 18d. the skirt and stays are attached to each other.

Mr. Garrow. Do you call these things skirt and stay, or stay and skirt?—Sometimes one and sometimes the other, they are washed separate, but worn together.

I suppose you call the thing which a child wears under its chin in the month a pair of stays?—No, I do not, I call it a stay.

(Mr. Garrow objected to the naming of the stays and skirt together, and said the indictment was erroneous. The Court overruled the objection.)

JOHN DAVID BURKENBUSH *sworn.*

On the 14th of August two of my friends coming up Gray's-inn-lane, I heard the cry of stop thief. I saw the prisoner running; I stopped the prisoner, he was taken to the Talbot inn, the prosecutor had hold of him at the same time; I saw the prisoner put his right hand in his pocket, and throw something away, it looked like a handkerchief or napkin. I heard something sound, I followed the sound, and picked up an instrument, it is called a crow, I believe it is the same instrument.

Prosecutor. I dragged him out of my shop, he had like to have been too strong for me.

JOHN FRANCIS BECKHAM *sworn.*

I am a clerk in a computing-house, I was walking along Gray's-inn-lane, I saw the prisoner throw something, which made a jingle, this is the instrument.

ISAAC HAYWOOD *sworn.*

I found this iron in the cradle, I went into the house when the noise was. I believe this is a crow, I found it in the room where the drawers were broke open.

PATRICK M'MANUS *sworn.*

My Lord, when the prisoner at the bar was examined at Bow-street, Sir Sampson ordered me to go to the house, and try the crows; I did so, and they fitted every place that had been broke open. I have no doubt about the crows.

GEORGE WYNCH *sworn.*

I am a baker, I was standing at my own door, and I was sent for to take charge of the prisoner; I searched him, but found nothing but a handkerchief.

JOSEPH WOOD HUSSEY *sworn.*

I am an attorney at law; I saw the prosecutor and prisoner at the door of the Talbot, I was just come to town, and had put up my horse; they were struggling, the prisoner threw something out of his pocket, it made a jingle; I followed the sound, I thought it might be picklock keys. This is the instrument picked up, I know it by its having been made out of a file.

PRISONER'S DEFENCE.

This person that prosecutes keeps a public-house, I was there, I wanted to go to the Peacock Burton Alehouse; I expected a friend to meet me, and left word I would be back very soon, in coming back they seized me; I know nothing more about it.

AARON TURNER *sworn.*

I have conversed with the prosecutor many times. Brooker told me he had been robbed, that he had been out, that Kelly had been drinking at his other house; he said he suspected Johnson Kelley; searched Kelley, and found nothing upon him; I then said, you are mistaken in the man; he said he did not know whether he was the right man he was so hurried; he said he suspected another man, who lodged with

him, and who owed him rent, and who had absconded.

CHARLES PALMER *sworn.*

I was at the Talbot-inn, when the prisoner was searched, there was nothing found but a foul handkerchief in his breeches.

PETER SNEER *sworn.*

I was at the Talbot, when the prisoner was searched; I did not hear any thing of any skirt being found.

THOMAS PALMER *sworn.*

I was going down Gray's-inn-lane, I walked fast, and trod upon a person's heels, he gave me many ill words; I begged his pardon: I cannot say the prisoner is the man.

GUILTY, 18d. *not of the house breaking.*

*Tried by the first Middlesex Jury before
Mr. RECORDER.*

383. THOMAS PARKINSON was indicted for that he, on the 29th of November, in the 30th year of his majesty's reign, at Manchester in the county of Lancaster, did marry one Sarah Ashton, widow, and her then and there had for his wife, and afterwards, to wit on the 15th of September last, at the parish of St. Andrew Holborn, feloniously did marry and take to wife one Catherine Burn, spinster, and to her was then married, the said Sarah his former wife being then living and in full life, against the statute.

(The case opened by Mr. Garrow.)

HENRY ASPINALL *sworn.*

I am parish-clerk of the parish of the collegiate church of Christ, in Manchester: this is the original marriage entries, "No. 823. Thomas Parkinson, of this parish and town of Manchester, glazier, and Sarah Ashton, of Manchester aforesaid, widow, married by banns." It is regularly

regularly entred, and subscribed by the parties; I was present; dated 29th November 1789.

RICHARD PERRIN *sworn.*

I am parish clerk of the parish of St. Andrew Holborn: Thomas Parkinson, of the parish of St. Andrew Holborn, bachelor, and Catherine Burns, spinster, were married in this church by licence, the 15th day of September 1791; I have attested the marriage, the prisoner is the same man that was married, by that name, at our church.

THOMAS CHARLES *sworn.*

I was present, when the prisoner was accused of having a wife; he denied it: this copy of a certificate was produced by the first wife, she gave it to me: he at last said, if the truth must come out, you knew when I married you I had a wife and four children; he acknowledged to the first wife.

(The certificate of the first marriage read by the clerk of the arraigns.)

CATHERINE BURNS *sworn.*

I was married to the prisoner at the bar in September; he declared he was a single man: I was married on the Thursday, on the following Monday I discovered he had been married before, it was said to two other women.

PRISONER'S DEFENCE.

When I was living in Manchester, I married this woman; I found she had another husband living; I found a letter in her pocket from her husband she eloped from him; therefore I thought I had a right to marry again.

GUILTY.

Imprisoned twelve Months.

Tried by the London Jury before

Mr. RECORDER.

384. **THOMAS RAINSLEY** was indicted for stealing, on the 20th of September.

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ber last, two cloth great coats, value 11. a linen pillow case, value 1d. the property of Joseph Wiles; a petticoat, value 3s; and other things the property of Elizabeth Holmes, spinster.

ELIZABETH HOLMES *sworn.*

I am a single woman; I lost the articles in the indictment at the fire; I am a maid of all work to Mr. Wiles, the things were lost from the house, my things were lost from a three pair of stairs room, they were in a pillow case, the great coats were not in the pillow case, the things I saw upon the day of the fire, I put them into a pillow case, I dropped them down the well stair case; the fire was then burning; I saw the things in the hands of the Constable, he brought them the next morning, it was ten at night when the things were thrown down.

JOSEPH WILES *sworn.*

There was a fire very near my house: I had two great coats, they were in a cupboard where I always keep them, opposite to the well stair case; I had one of them on on the Sunday; the fire was on Tuesday 20th of September; the constable has the coats, he shewed them to me the day after the fire.

THOMAS BARROW *sworn.*

I am a dealer in glass: I went to see the fire, and assist Mr. Wiles; I saw this prisoner come out of the front door of Wiles's house with two bundles, seeing he went a different way I seized him; he had one bundle on his shoulder, and another on his arm; I told him I knew him, that he inhabited Petticoat-lane; I let him go then, he was about half a dozen yards from Wiles's house, he was not very willing to let them go, he held them tight; Petticoat-lane is about two hundred yards from Mr. Wiles's house; the bundles were taken to Mr. Thorpe's, he lives in Aldgate, about twenty yards from Mr. Wiles's house; after I took the first bundle from him, I saw him in a quarter of an hour, upon the threshold of Mr. Wiles's door; I am positive as to the man.

B

JACOB LYON *sworn.*

I am Constable: on the 20th of September there was a fire in Houndsditch; I met the prisoner with the bundle under his right arm, about half past ten o'clock, it was not concealed; this great coat was across the bundle when I took them, I asked him what he had there; he said I had no business with him; I collared him and took the bundles; I missed my hold of him, and to hold of his collar, he twisted round and hurt my finger, it has been lame ever since; he got away from me, I pursued him, and called stop thief, he was stopped by a young man; when he came to the watch-house he said damn your eyes you Jew b—r, I sha'n't weigh forty yet; he after that offered to give me a *strike*, not to swear against him; he told me a *strike* was a guinea.

THOMAS GILDING *sworn.*

I am a butcher: a man hallooed stop thief! I run after him and stopped him; I took him to the watch-house: Lyon was at the watch-house, it was Lyon who cried stop thief; I saw the bundle lay on the seat.

(The prosecutor looked at the great coats, and deposed to them:)

I have had one of them a year and a half, the other not so long, it is a new one nearly.

Elizabeth Holmes. (Deposed to a cloth cloak, a green baize petticoat, and a callimanco one.) In fact they are all mine, I missed them all on the night of the fire.

PRISONER'S DEFENCE.

About half past nine, I was coming home from Catherine-wheel-alley, I had been to my cousin's; Lyons accused me of the bundle, I struck him; but I am innocent of the robbery, I know nothing at all about it.

GUILTY. (Aged 20.)

*Tried by the London Jury before
Mr. RECORDER.*

385. **SAMUEL YOUNG** was indicted for feloniously stealing, on the 12th of October, four cotton shawls, value 7s. and six pieces containing thirty-five yards of printed callico, value 7l. the property of George Anstie and William Baker, privily in their shop.

(The case opened by Mr. Garrow.)

GEORGE ANSTIE *sworn.*

I am a linen draper in Catherine-street, Strand, my partner's name is William Baker, I have no other; Mr. Welch of New-Compton-street, was employed by us as our calenderer; the prisoner was a porter coming to our shop, for six or eight months, he came and opened his wrapper on the counter, and whatever we had for him to take to his master, we used to put into the sheet, or by the sheet, and enter them in a book; there were frequently a great many other goods on the counter within reach; on the 13th of October, I received information from Mr. Welch of a suspicion, and went to Bow-street, there I found several articles, four cotton shawls and about three or four pieces of printed callico for gowns; I did not go the prisoner's lodging.

CHARLES JEALOUS *sworn.*

I am an officer at Bow-street; on the 12th of October, I went to the house of Cranfield Richmond, No. 20, Monmouth-street, in a one pair of stairs back room, I found the prisoner, and Richmond, and his wife sitting at dinner; I desired to speak to Richmond and called him to the door, I immediately turned my eye back, and saw the prisoner with this piece of chintz, and attempting to throw it out of the window of the one pair of stairs back room, I laid hold of him immediately; I asked Richmond in the presence of the prisoner, if the prisoner had any box, he said yes two, one locked and one not locked; I found in that room a box, and in that box this property belonging to Mr. Anstie, all the pieces were in the box, in that room where they were.

were sitting at dinner, here is one piece of printed callico, which I found in his hand, here are four cotton shawls, here are five more pieces of printed callico, these are the articles I found in this room.

Prisoner. It was not that piece that I had in my hand; I had three handkerchiefs in my hand.

Jealous. This is the piece he had in his hand, I put a paper on it, and have kept it ever since.

JAMES WELCH *sworn.*

I am a calendar glazer: the prisoner has been in my service a twelve-month; his business was to collect things and carry others; I went with Jealous to Richmond's, we found Richmond, his wife, the prisoner, and a child, sitting round a table to dinner; immediately on seeing us, the family were alarmed; Jealous called Richmond out, we went immediately into the room, the woman began crying out; Richmond said for God's sake, Mr. Welch, do not hurt me, I will tell you all; the prisoner must hear it; the door was open; we went into the room, the woman began crying, she said there are goods in this box, and in another box; the prisoner was much agitated, and threw a handkerchief out of the back room window; Jealous immediately held his hands, the box was opened, and I saw the things in the indictment found: we took him in a coach to the justice's with the things.

CRANFIELD RICHMOND *sworn.*

I live at No. 20, Monmouth-street; I knew the prisoner fifteen years, he came to my house a month ago, to board at three shillings a week; he brought goods there, they were callicos, he brought them in a trunk, I went with him to fetch it from Wood-street, Westminster, and brought it to my house; the next morning he broke the trunk open in my presence, it contained things in brown papers, some were open which contained muslins, that was three days before Mr. Jealous came, they were the trunks of the prisoner, they were the things he brought in the trunks three days before, part of them were the same goods.

ANN RICHMOND *sworn.*

I remember the prisoner coming to board at our house, he brought some things in a trunk, some were wrapped up in papers, and appeared to me to be muslins; Jealous came three days after, he took away the prisoner's boxes. On a Saturday the prisoner brought his box, and on Monday night he broke it open, and it contained a deal of property, and I said, Sam, I would not wish that trunk to be opened. I lent him a box, and a good lock and key. On Tuesday he brought home four handkerchiefs, three of them were South Sea handkerchiefs; he gave me one. On Wednesday Jealous and Welch came in, and called out to my husband, I said I had no goods but what was Samuel Young's; I fell a crying, and said Sam, what have you done? I said I will shew you his goods. Samuel Young, his ownself, at a quarter past nine on Saturday night, brought those articles which Jealous took away on the Wednesday.

(The things deposed to by the marks made by a person in colouring.)

Mr. Alderman Watson. Do you ever sell any of these goods, and let them go out of your shop with the mark upon them?—Yes, I dare say we do sometimes on the shawls. This is my private mark, I never sold any to the prisoner. This is a printed callico, here are two other pieces of callico which have no marks, but are our sort and pattern, with Mr. Welch's name and mark on them.

EDWARD CLARKE *sworn.*

I am shopman to the prosecutor, this mark I swear to, and the price and shop mark in my hand writing; we sometimes sell these articles with the mark on them. This piece was in our possession on the 3d of October, I do not believe it ever was disposed of in trade; I have been in the shop ever since, and should have seen it go if it had been sold. These shawls have the private mark of Anstie and Baker, I cannot tell

tell who made it; I know the patterns of these pieces that have Welch's marks; we had such patterns, there are pieces without marks, I know those patterns; the sixth I know not.

Welch. Here is my mark on two of the three pieces, which proves to me to a certainty that at some time I have received this piece from Anstie and Baker: it is made by me in chalk, it is a hasty way to mark hundreds and thousands. A. B. I recollect no other customers whose names begin so, but Anstie and Baker; the other piece has an A. only, which is not so satisfactory.

Court. What is the value of these articles?—The four cotton shawls are worth about 7s. the chintz, which was found in his hands, is worth 16s. the other articles are worth 5l.

GUILTY, Death.
(Aged 22.)

Mr. Garrow informed the Court he should give up the other twelve indictments against this prisoner.

Tried by the first Middlesex Jury before Mr. RECORDER.

386. JAMES MUCKSTAY was indicted for stealing, on the 30th of September, 7lb. of tobacco, value 10s. the goods of Richard Dutton, privately in his shop.

RICHARD DUTTON *sworn.*

I am a tobacconist, I live in Rosemary-lane; this property was stolen from my house, I missed it about four o'clock in the afternoon, there was 7lb. or more behind the counter in the shop, I had not seen it since eight o'clock in the morning, it was roll tobacco; on missing it I sent to the neighbouring tobacconists to stop it.

JOHN STOLE *sworn.*

I am a dealer in tobacco, about seven o'clock, the 30th of September, the prisoner came into my shop, he offered this roll of tobacco for sale, he offered it at 18d. per lb. it was not a fair price, we pay up-

wards of 2s in the wholesale. I sent for an officer, and Mr. Dutton and I stopped the man; Mr. Dutton was present, he said this is my roll, and my hand labour; he said he would swear to it. The prisoner said he had not stolen it, it was given him by a shipmate; we took the tobacco to the magistrate, who sealed it up.

JOB FIELD *sworn.*

I am an officer, I was sent for to take him into custody.

Dutton. I have not the least doubt of its being my own property, I manufactured it myself; it is not so much as was lost out of my shop, some must have been taken away, Mr. Stole weighed it, and said it weighed about 7 lb. 10 oz. I think I should know it, and could distinguish it as my manufacture, at York, or in any part of the kingdom; there is tobacco made up in this shape for exportation (*unrolls the tobacco*) I believe this tobacco to be mine by a fold in the ends peculiar to myself. The prisoner was taken the day after it was lost.

PRISONER'S DEFENCE.

Please you, my Lord, I know nothing about it being stolen, as I was coming along from my work I met a shipmate, he asked me if I would have a drink of beer, being weary with work, I said I did not care if I did, he then asked me to sell this roll of tobacco; I told him I did not know where to sell it; he said he took it out of his chest, and was much distressed; I said I would take it to the shop where I bought my smoking tobacco; I went there, and his wife said her husband was not at home; but she sent for him; I was taken up, the gentleman told me to open my breast, in order that he might see if there was a scar on my breast, when he found there was none, he said you are not the man. I am as innocent as the child unborn.

GUILTY. Of stealing to the value of 4s.
(Aged 22.)

Tried by the first Middlesex Jury before Mr. RECORDER.

387. CHRIS-

387. CHRISTOPHER CHANDLER was indicted for stealing a knife and fork, value 6d. and other things, the property of Francis Williams.

FRANCIS WILLIAMS *sworn*.

I am a sailor, I met this man, I lost the things mentioned in the indictment about five o'clock on Saturday morning, the 7th of October. I lodge in Red-crofs-street, East Smithfield, the prisoner lodged in my room that night, I met him about eleven o'clock the night before, I told him to come with me, and I would give him a lodging, it was too late for him to go to Blackwall, and another boy was with him; in the morning they got up very early, (I am a Venetian) I said what do you turn out early for? I then got into bed and fell asleep; I was on the chair when they went away. The things were in a bag on the chair, he took the things, bag and all. I saw the prisoner on board his majesty's ship Monarch; I belonged to her five years, he was on board five or six months. I went to St. Catherine's the day after; I lost my things, I caught the prisoner by the arm, it was between seven and eight o'clock at night; he had nothing of mine about him; he made his escape. This gentleman found a knife on him, I did not examine his pockets myself; I have found nothing but my knife.

ROBERT DAWSON *sworn*.

On Saturday morning the 8th, the prosecutor applied to me and described the prisoner; he told me he had hold of him, but he escaped; I found him about eleven o'clock at the Sun, St. Catherine's; this was on the 11th, Tuesday; I searched him, and found this knife and fork. (Prosecutor deposes to the knife and fork produced by Dawson.) I have had this knife eleven or twelve months, it was in the bag.

PRISONER'S DEFENCE.

It was ten o'clock at night when I went into the house in St. Catherine's, the prosecutor says it was between seven and eight; I went to that house for a lodging. On

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board that ship there were many knives like that.

GUILTY, of stealing the knife only.

Tried by the second Middlesex Jury before
Mr. RECORDER.

388. JOHN TENNANT was indicted for stealing, on the 18th of October, six geese, value 18s. and one tame hen, value 1s. 6d. the goods of Joseph Wilkinfon.

JOSEPH WILKINSON *sworn*.

I am a poor man, I had six geese and a tame hen fowl, I shut them up over night, and missed them on Saturday morning; I saw them on the Sunday following at Bow-street, Mr. Etherington, of the Bell, at Kilburn, had them; Sir Sampson Wright told us to make the most we could of them, as they were nearly spoiled; they were marked four in the left claw and two in the right. I could swear to them, I bred them: the fowl was a double comb pullet. I do not know that the prisoner was ever seen by me near the place.

JONATHAN GEE *sworn*.

I am a servant to Mr. Etherington, of Kilburn Wells, I am collector of the tolls. The 15th, Saturday morning, the prisoner came to the gate, I asked him how far he was travelling? he said he was going to London; he had the geese in a bag on his back; I said, have you been robbing a hen roost? the bag was bloody, I stopped him, and in the bag I found four fowls and six geese, all dead, but quite hot, they were brought to Bow-street. The prosecutor appeared on Tuesday. Mr. Wilkinfon saw all the things. The prisoner said he did not know who they belonged to. The prosecutor swore to them.

GEORGE OSBORN *sworn*.

I am a labouring man, I live in the same house with Wilkinfon; I was going to work on Saturday morning, there was

C

blood

blood in the out-house where the geese were shut up, that is in Wilkinson's place; he had six geese and a tame fowl, the fowl roosted on the rack with mine, I can swear to the geese and fowl, having known them so long, I did not take any *exceptions* of the fowls.

PRISONER'S DEFENCE.

I was coming over the common, and I heard these geese cry out, as I went up to them there was a man ran away, therefore I took them and put them in my sack.

The prisoner called one witness, who gave him a good character.

Geo. It was near three miles from the turnpike where I seized the prisoner.

GUILTY, (Aged 28.)

Tried by the second Middlesex Jury before Mr. RECORDER.

389. JOSEPH MANNIKEY and THOMAS KINCAID were indicted for feloniously stealing, on the 4th day of October, one live goose, value 2s. the goods of Thomas Humphrey.

THOMAS HUMPHREY *sworn.*

I live at Mile-end, I lost a goose, I was at market; when I returned I discovered I had lost a goose.

JOHN JOHNSON *sworn.*

I live at Bethnal-green, I am a cow-keeper, I was looking out of my stable, and saw the two young men take Mr. Humphrey's goose out of an out-house, it was taken out by means of a stick put over the fence, where he keeps a great many, and they cut its throat in a ditch, and hid it under weeds. I sent to Mr. Humphrey, it was about nine o'clock in the morning; I saw them taken, I am certain they are the two men.

PRESTON *sworn.*

I saw the prisoners taken, I saw the goose taken by Fairfax, with its throat cut.

PRISONER MANNIKEY'S DEFENCE.

I am quite innocent, I know nothing of the matter.

JOSEPH MANNIKEY, } GUILTY.
THOMAS KINCAID, }

Tried by the second Middlesex Jury before Mr. Justice HEATH.

390. WILLIAM JONES was indicted for feloniously stealing a pair of hose, value 1s. and a gown, value 2s. the property of John London.

ANN LONDON *sworn.*

I am the wife of John London, a neighbour told me there were thieves.

JOHN WOOD *sworn.*

I am an hostler, I was going across Little St. Martin's-lane, I heard the cry of stop thief! the prisoner was stopped; I have had these things ever since they were taken from the prisoner.

Ann London. The two stockings and bed gown are mine.

PRISONER'S DEFENCE.

I was crossing West-street, I heard the alarm of stop thief, a soldier and a sweep chimney took me right.

GUILTY.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

390. MARY WOODHOUSE was indicted for feloniously stealing, on the 13th of October, seventeen yards and three quarters of printed cotton, value 1l. 10s. the goods of Edward Gibson, privily in his shop.

(The witnesses examined separate.)

EDWARD

EDWARD GIBSON *sworn.*

I am a linen draper, at No. 149, Bishopsgate-without; I lost seventeen yards and three quarters of printed cotton, but I did not miss it, till I was asked to see some linen at Mr. Franklin's, three doors from my house: I was in the shop serving a customer, when the prisoner came in.

Mr. Knowlys, Prisoner's Counsel. You knew this woman that you was serving?—Yes.

You knew where to find her?—Yes.

She is not here?—She is not.

THOMAS COADISH *sworn.*

I know the prisoner, I have frequently seen her in the shop before; the 13th of October, the prisoner came in, and bought a quarter of a yard of Irish, and paid for it, and went out; she did not return; I went after my master returned, and saw the prisoner, and the printed cotton, at Mr. Franklin's, a liquor shop, where the prisoner was detained; she was near the part of the counter where my master was serving some sheetings; the printed cotton lay at the end of the counter, near to the door, within half a yard of my master; she asked the price of some sheeting, of my master; what she bought was of George Hops, he is here: she was as near to the cotton, as I am to my hat; I did not see her take it; I had not the least suspicion of her; I saw the cotton at Franklin's in about ten minutes or a quarter of an hour: there is my hand writing on the end of it, the letters are, U. M. X. all of my hand writing; that article was upon the counter, when the prisoner entered the shop; I had been shewing it to a customer a few minutes before.

GEORGE HOPS *sworn.*

I served the prisoner at the bar, with a quarter of a yard of Irish; I do not know any thing of the cotton, there was only one customer in the shop besides the prisoner.

JOHN GADSDEN *sworn.*

I am a cheesemonger; on the 13th inst. the morning the property was lost, the pri-

soner came into my shop; I was present when she was searched; I followed her into a liquor shop, next door to me, his name is Franklin; I thought she had something improperly come by; she refused to let me search; a constable was sent for: I saw the property found in her apron, which was in one part tucked under her arm, the constable took it from her; I went to Mr. Gibson's, and told them of the robbery.

THOMAS SACKWELL *sworn.*

I am a constable; I took this printed cotton from the prisoner, it was in her apron. (Prosecutor deposes to the cotton.) I have not the least doubt about it: I had been taking stock; I know this is a capital offence.

I ask you Mr. Gibson, whether you do not know that the prisoner is indicted for a capital offence?—Yes, I do.

Jury to Prosecutor. Did that customer tell you, she had seen the linen taken out of the shop?—No she did not, and if she had, I believe she would have told me: the value of the goods is 30s.

PRISONER'S DEFENCE.

I leave it to my counsel.

MARGARET ALBIN *sworn.*

The prisoner gets her living by mending gowns; she has three children.

GUILTY, of stealing the goods, but not privily.

Tried by the London Jury before
Mr. RECORDER.

391. **SUSANNAH NAIRN**, alias **NOON**, alias **TALBOT**, alias **RILEY**, was indicted for feloniously stealing, on the 14th of October, ten muslin handkerchiefs, value 20s. the goods of Anthony Twiddle, privily in the shop of the said Anthony.

LEVY TWIDDLE *sworn.*

I am a brother to the prosecutor, he lives in the Minories; I was in the shop when the

the prisoner came in, on Friday, 14th of October; about six o'clock, I saw her come in, and she asked for muslin handkerchiefs; I shewed her some; she looked them over about ten minutes, she agreed to have one cut off for four shillings and six pence, she did not pay for it, she said she would go over the way and fetch her husband, he wanted something for shirts, she went away, and never returned; I did not miss any thing then, the next morning a gentleman came to our shop; he had the prisoner secured, we looked over the goods and missed a piece; I never had seen the woman before: I swear positively she is the same; we lost ten handkerchiefs, all in one piece; I shewed her the same piece; I shewed her several pieces, this was the first I shewed, there is a shop mark upon it, different pieces have different marks; I put this piece under the rest; I packed up the things; I have never seen the piece since it was stole, there was only Sheldon and two customers in the shop, besides me and the prisoner, four in the whole.

SOLOMON SHELDON *sworn.*

I am shopman to Mr. Twiddle: I saw the prisoner come into the shop, the first witness attended her; she had no cloak on; I am sure it is the same person; on the morning following, a gentleman brought the mark and shewed to me; I went to the place where the muslin was stopped, and saw the prisoner and the muslin, it was marked in characters made by my master, it is the characters used by the shop, we sell goods with the mark of the shop sometimes; I think I had seen it the day before, the wrapper had not been opened that day until she came in; I can with propriety swear it was my master's property, the value is twenty shillings; I do not know either of the other customers; this woman was in view of the other customers in the shop.

MARY EDMUNDS *sworn.*

I keep a shop in Red-lion-street; the prisoner at the bar came to my shop, and brought a piece of muslin handkerchief in her apron; she wanted some person to help

fold them up; she asked a lady who was in the shop; she came to me in a room adjoining the shop, she came in and gave me the folded part, there was two loose; I told her I thought they were not hers; she said they are not. I told her to send the owner for them. She returned in a quarter of an hour, and said now I have brought the owner, I am the owner said she; she said, I stole them, and what do you think of that? she had no name she said, she was born in the reign of King Charles. She repeatedly told me she had stolen them, I asked her of whom? she refused to tell me. I delivered the property to Christian, the officer, that night. She came to me the 14th of October, between six and seven at night, the man's name is Gilson who took the shop mark to Twiddle's; when she first came she appeared sober, but when she came the second time she appeared in liquor.

NATHANIEL CHRISTIAN *sworn.*

I am a constable, I produce a piece of muslin handkerchief, I received it from Mary Edmunds; the prisoner told me she had bought them at 2s. each in Rag-fair; after all, she said she had stole them. I do not know that she was drunk, she appeared in an odd way.

Levi Twiddle. I can swear that they are our handkerchiefs, my Lord.

Solomon Sheldon deposed to the handkerchiefs.

PRISONER'S DEFENCE.

About half an hour after three the woman who had these handkerchiefs, asked me 2s. 3d a piece, I bid her 2s. she followed me to the Rosemary Branch; I bought them, I was obliged to make a pledge to buy them. When I was in the shop the gentleman shewed me only two pieces of handkerchiefs, and two pieces he took back again.

GUILTY, of stealing, but not privately in the shop.

Tried by the London Jury before
Mr. RECORDER.

392. WILLIAM UNDERWOOD, otherwise WILLIAM WHITAKER, was indicted for feloniously stealing, on the 29th of September last, a silver pint mug, value 50s. the property of Thomas Meadows, in his dwelling-house.

And EDWARD PURSER was indicted for feloniously receiving the same, knowing it to be stolen.

The witnesses examined separately.

THOMAS MEADOWS *sworn*.

I am a dyer, I lost a pint mug on the 29th of September, I went out about five, I returned about seven, I saw the mug in the parlour, I know nothing of the prisoner.

SARAH SWALE *sworn*.

I am servant to the prosecutor, the prisoner took the mug, I did not see him take it; he came to our house about half after five with three artichokes, that was Whitaker, and he said they were for my master, who had ordered them; he said they were not paid for; I said, I suppose you brought them from Mr. Fogg's, and he said yes; I told him my master or mistress would pay him for them; he said, very well; he asked for a little small beer, the apprentice went for the beer, and I asked him to twist the stalks off the artichokes, and he did, and I left him; and while the lad was gone for the beer he went into the parlour, and took the mug; he did not wait for the beer, I saw the mug was gone. I saw the prisoner afterwards the same night at the watch-house, he said there he did not know the street where my master lived. I found the mug at his lodgings.

(The constable produced the mug.)

THOMAS RICHARDS *sworn*.

The two prisoners were laying together in a room on some straw, I asked one of them if his name was Whitaker? he said yes, but his name was Purser; then I took the other, which was Whitaker; he wanted to go backwards, that was denied him; he

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squatted down, and out of his breeches I pulled this mug.

WILLIAM BENCHER *sworn*.

I searched the prisoner, the patrol took this mug out of Whitaker's breeches, and gave it to me; I found nothing on the prisoner Purser. (The mug deposed to by the crest, a hawk upon a coronet.) I have no doubt of it.

Court. What is the value of the mug?
—The value of the mug is about 30s.

Court. You have valued it at 50s.

JAMES LLOYD *sworn*.

I know the prisoner Whitaker, and drew him some beer.

Court to Prosecutor. You never sent any artichokes home?—No.

PRISONER WHITAKER's DEFENCE.

I was not absent that same day this accident happened, I had been in company with two young men from two to four at the waterside, I had a little drop in my head; I came home, it was three quarters after nine, I knocked at the door, where I thought to get a lodging, they said the bed was let; I said we were destitute; she said I might lay there, and the two young men that lived up stairs came down, and we were in the room. I knew nothing what I was taken for, I had no artichokes to sell that day, I have witnesses enough.

The prisoner Whitaker called four witnesses, who gave him a very good character.

WM. UNDERWOOD, alias WHITAKER,
GUILTY, Death.

EDWARD PURSER, NOT GUILTY.

*Tried by the first Middlesex Jury before
Mr. Justice HEATH.*

393. SIMON ISAACS was indicted for stealing, on the 24th of October, three coach cushions, value 10s. the property of Richard Pope.

D

JOHN

JOHN HAYSTICK *sworn.*

I am a hackney coachman, I lost a cushion out of my coach between ten and eleven last Tuesday night; I was called from the stand in West Smithfield, and was ordered to go to Petticoat-lane by one Mr. Tobit, he ordered me to drive up, I refused at first, I was afraid of being robbed; I did drive up, and stopped about the middle at the corner of an alley; he told me to turn about, he desired me to see where he went to; I refused to go up the court at first, he said I need not be afraid; I went into the public-house and drank some negus; I returned back to my coach, when I returned to my coach I found the off-side door open, and my seats were gone; I told a Jew who stood by; he told me he believed he could shew me where I could get my seats again; we went to an alley opposite, where we met Simon Isaacs; he said why did you bring the man to me, when you know I never buy any thing of the sort? I said to him, Shimmer, if you will help me to my seats I will give you any thing. He said, hand me over 5s. and your things shall be brought to light. I gave him 5s. and he told me to go and get a pint of porter; I did so; before I had drank it I was called out, and I saw Simon Isaac with my seats upon his arm; he said you may thank me, if you had been five minutes later you never would have seen them more. I took the seats, and wished him good night.

(The seats deposed to by the prosecutor.)

PRISONER's DEFENCE.

He came to my house, and said how do you do Mr. Shimmer; says he, I have lost my seats; I suppose they have only played the rogue with them; says I, as I know you, I will see if I can serve you; if I can do you any good, says he, ten years hence I will do it, God blest you, and I thank you.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before

Mr. RECORDER.

394. **JAMES WALLIS** was indicted for stealing a cheese, value 5s. the property of Richard Kaye.

RICHARD KAYE *sworn.*

I am a cheesemonger, I lost a cheese on Monday forenoon last, I live in High-street, St. Giles's; I found the cheese upon the prisoner, I saw him loitering about the door, I called him, and asked him what he wanted, he begged for a halfpenny. A Mr. Lee came to me, and asked me if I had lost a cheese, as a man had offered one to sale: I went to Mr. Lee's, and saw the prisoner with the cheese under his arm. The cheese is mine, it is marked H, there are eight in a pile on the window; I missed it as soon as Mr. Lee came into the shop. The prisoner begged me to forgive him, I said it was out of my power.

Mr. LEE *sworn.*

I have kept this cheese from the day it was taken from Mr. Kaye.

PRISONER's DEFENCE.

My Lord, I have nobody here to speak for me, I have no witnesses.

GUILTY, Whipped.

Tried by the first Middlesex Jury before
Mr. RECORDER.

395. **MARY HUGHES** was indicted for stealing, on the 20th of September, one silver watch, value 40s. a steel chain and seal, value 1s. one half crown piece, and 6d. the property of James Mann, privily from his person.

JAMES MANN *sworn.*

I am a labourer; on Saturday night I was going from Dartmouth-street to St. James's Park, between nine and ten o'clock, there were four or five women and a soldier together; the prisoner came up to me and wanted me to go along with her, I refused, and said I was a married man; she unbuttoned

toned my breeches, and wanted me to be connected with her; during this time she took my property; she was with me about ten minutes. She had hold of me, I tried to get away, I gave her her civil words, and said I was married. I am sure she is the woman, I saw her the next morning. I was very sober, it was star light.

THOMAS JENNINGS *sworn.*

I went to the prisoner's room, she was in bed, I told her to get up; after that two more women came into the room, she directed them to go with me where the watch was; I went with them, and when I came there I told the young woman I came for the watch. She asked by whose order? one of the girls who went with me said, by order of Mary Hughes. She then delivered it.

JOHN TAYLOR *sworn.*

I went after the prisoner, I found her in bed, the handkerchief fell off the bed; the prosecutor said it was his. I said, the watch cannot be far off.

(The watch and handkerchief deposed to.)

PRISONER'S DEFENCE.

I never saw the gentleman till that morning, he said I will not hurt you.

GUILTY, of stealing, not privately.

Transported for seven years.

*Tried by the first Middlesex Jury before
Mr. Justice HEATH.*

396. **ELIZABETH CLOUGH** was indicted for feloniously assaulting Wolfe Levy on the king's highway, on the 25th of October, and putting him in fear, and feloniously taking from his person a man's hat, value 1s. three shillings and sixpence in money, the property of Wolfe Levy.

WOLFE LEVY *sworn.*

Coming down Winfield-street, the 25th of this month, about twelve on Saturday night,

this girl took my hat off, and put it on her head; I asked her for it, she run away, she run into her lodgings in George-street, Spitalfields; she said if I gave her a shilling she would give me my hat. I gave her a shilling, she threw the hat on the stairs, and after that she took it up into the garret. I went up into a room where there was seven or eight beds, and as many men, they appeared to be asleep. I asked her for my hat, she said if I gave her a glass of gin; I refused. She throwed me on the bed, and took 2s. 6d. out of my pocket. I was very sober, I had been to the opera. She ran down stairs; I went out, I met a man I knew; he advised me to go to the patrol, who took her.

JOHN LEYDEN *sworn.*

I am a patrol, I went to the house, and took her.

PRISONER'S DEFENCE.

I never saw the man before he came into my room with the patrol, he took me half undressed.

GUILTY of stealing two shillings and sixpence, but not of putting him in fear.

397. **WILLIAM TELLFAIR** was indicted for stealing, on the 21st of September last, twelve striped Bath great coats, value 5l. two cloth coats, value 3l. five Bath coats, value 3l. 10s. three pair of velveret breeches, value 30s. thirteen pair of fustian breeches, value 8s. seventeen yards of black velveret, value 30s. the property of — Elliot.

And **ANN**, the wife of **THOMAS HARRIS**, was indicted for receiving the same goods, knowing them to have been stolen.

WILLIAM BROUNGER *sworn.*

I am a sloopman, I delivered the goods mentioned in the indictment, directed to a Mr.

Mr. Buckwell and another, at Tenterden, in Kent, on the 21st of September; I gave them to my porter, whose name is John Randal, to pack up and carry to Mr. Elliot.

JOHN RANDAL *sworn.*

I am porter to Mr. Brounger, I carried some goods on the 24th of September to the George Inn, Borough; they were in wrappers, directed to Buckwell and another at Tenterden, I delivered them to Wiloughby.

EDWARD WILLOUGHBY *sworn.*

I belong to the book-keeper, I received the things of Mr. Randall, the porter, directed as beforementioned, I put them into the waggon about six at night.

ELLIOT *sworn.*

I received this package the 21st of September, directed as above, I lost it out of the yard in London before I set off, they were put into the waggon between six and seven in the evening, I saw them put in, I did not miss them at all till I was informed of them. I did not go with the waggon that morning, one Pais drove it, he is not here; they were in the fore part of the waggon, when I searched nothing else was missing; none of the ropes had been cut, it was a covered waggon.

Mr. Garraw. Have you no partner, or joint property?—No.

JOHN TOWNSEND *sworn.*

On the 21st of September we received an information that a waggon was robbed, and we proceeded from Day's house to Mrs. Harris's, the woman prisoner, in Old-street; we knocked at the door, my partner Carpmeal was let in first, and proceeded to the back room, and saw Tellfair standing over this property, and part on the table looked as if it was divided, being all unpacked. I said, Mrs. Harris, come hither, whose property is this, and who brought it here, is it yours? she said no, Mr. Townsend, it is not, that man (pointing to Tell-

fair) brought it here; he was standing by, we secured them both.

CARPMEAL *sworn.*

I was with Townsend, I knocked at the door, Mrs. Harris's daughter opened the back door. (Deposed to the same effect.) We found the bills of parcels. Mrs. Harris said, Tellfair brought them, and wanted to sell them to her for 2cl.

(The things deposed to by Brounger.)

PRISONER TELLFAIR'S DEFENCE.

A man asked me to carry it.

WILLIAM TELLFAIR, GUILTY.

Transported for seven years.

ANN HARRIS, NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

398. **JAMES KITCHIN** was indicted for stealing, the 1st of October, a silver table spoon, value 10s. the goods of Aaron Abada.

AARON ABADA *sworn.*

The prisoner was our servant, or chair-woman.

MARY ABADA *sworn.*

I am wife of the prosecutor, I did not know when the prisoner took the spoon, but it was pledged the 1st of October; I did not miss it till the 13th of October.

(The pawnbroker produced the spoon taken in from the prisoner the 1st of October.)

I lent her 4s. upon it, I had no suspicion of her, I have seen her before, she said she brought it for her mistress.

(Deposed to.)

PRISONER'S

PRISONER's DEFENCE.
I did it through necessity.

GUILTY.

(Recommended to mercy by Mrs. Abada.)

Fined 1s. and imprisoned six months.

*Tried by the first Middlesex Jury before
Mr Justice HEATH.*

399. WILLIAM WILLIAMS, alias THOMAS WILLIAMS, was indicted for stealing, on the 15th of October, a black lead pencil, in a silver case, value 5s. the property of Nicholas Middleton, privily in his shop.

NICHOLAS MIDDLETON *sworn.*

I keep a stationer's shop in the Strand, near the New Church, on the 15th of October I lost a silver case of a pencil, with a pencil in it; I was not present.

HUGH PICKERING *sworn.*

I live with Mr Middleton, I was in the shop on the 15th of October, I saw the prisoner in the shop about eight in the evening, he asked to see some pencil cases, I shewed him several, he bought none; he came in alone, nobody else was in the shop; he staid ten minutes or a quarter of an hour; I did not miss any thing, he bid me a good night, and went out of the shop, and was brought in again by the patrol; he was searched in my presence, and it was found upon him.

The PATROL *sworn.*

I received information from a lady of a man having stolen a silver pencil; I walked backwards and forwards, and the prisoner was looking at the pencils six or seven minutes; when he came out of the shop Sir Sampson's patrol and I stopped him, and brought him into the shop, and Sir Sampson's patrol searched him, and found a silver pencil in his left sleeve.

—— STEWART *sworn.*

I am Sir Sampson's patrol. Deposed to the same effect.

NUMB. VIII. PART I.

(The pencil deposed to by the prosecutor and Pickering, by a private mark.)

PRISONER's DEFENCE.

I bought this pencil of a Jew the day before, and I wanted to send another to my cousins at school. I was very much in liquor.

Patrol. He did not appear to me to be much in liquor.

Court. What is the value of that pencil?
—The intrinsic value I look upon to be 4s. not 5s.

GUILTY, Of stealing to the value of 4s.

Fined 1s. and imprisoned six months.

*Tried by the first Middlesex Jury before
Mr. Baron HOTHAM.*

400. WILLIAM CLINCH, JOHN OWEN, and THOMAS BLAIR, were indicted for stealing, on the 19th of October, twenty-four metal pap spoons, value 3s. twelve metal table spoons, value 3s. thirty-six metal tea spoons, value 12d. the property of Richard Yates.

EDMUND SHEPHERD *sworn.*

I am Mr. Yates's clerk, he is a pewterer, No. 20; Shoreditch; on the 18th of October, Mr. Yates received a letter informing him of the robbery; I marked some goods about one, and about six in the evening Mr. Yates and I went out, and returned at eight, and searched every workman; a dozen of spoons were found on a chair, another dozen found under a chair, but who put them there I cannot say. I marked the spoons after they were found.

JOHN PITT *sworn.*

I was employed by the prosecutor, on the 19th of October, about seven, I met my master, he begged me to stop to be searched, the three prisoners were ordered to stand by themselves in the parlour. My master read

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the letter; during that time one dozen of spoons were laid on the chair behind where Clinch stood, and I heard a rustling, and saw Owen shuffling something into his bosom. I asked him what he had there, he said he had nothing, but turned round, and attempted to pull off his coat, and there was a bundle laid on the ground between his legs; neither Clinch nor Blair stooped down at this time; there was a carpet on the room and a cloth over that, and each spoon was in a single paper.

WILLIAM SILK *sworn.*

I am another of the journeymen; last Wednesday I was desired to keep a sharp look out after the three prisoners; I placed myself opposite to them, and while my master was reading the letter I observed Clinch stoop with his hands under the chair behind him, and there was a dozen of spoons, which master opened; then Pitt took the candle and looked, and there was no more then: while these spoons were examining, a second parcel was found near Owen, between him and the chair; he stood before the chair, close to it; I do not say whether the spoons were between his legs, for when charged he moved his situation.

THOMAS DODSON *sworn.*

I was present at the search, I observed nothing particular till the spoons were taken out of the chair, then I saw Owen endeavouring to shift himself, and I saw him stoop, and something dropped, I did not see it, I heard it.

HANNAH HURST *sworn.*

I have a stand in the Fleet-market, I sell hard ware and spoons; six weeks ago the prisoner Clinch offered and sold me some spoons, I gave him two shillings a dozen, and bought of him several times; he said, I make them myself, I live in Petticoat-lane. (The spoons that were found on the chair near Clinch depoted to, marked R. Y. And are part of the goods that were marked.)

PRISONER CLINCH's DEFENCE.

About five weeks ago I was coming down Holborn, and met a man with about six dozen of table spoons and tea spoons, he stopped me, he asked me to go of a message for him, and he shewed me the spoons, and bid me go to a woman that stands in the Fleet-market, and sell them, I did so, and he gave me a shilling.

PRISONER OWEN's DEFENCE.

I know nothing of the spoons, nor knew nothing of them till that night we were stopped.

WILLIAM CLINCH, GUILTY,
Fined 1s. and imprisoned one year.

JOHN OWEN, GUILTY,
Transported for seven years.

THOMAS BLAIR, NOT GUILTY.

*Tried by the first Middlesex Jury before
Mr. Justice HEATH.*

401. EDWARD SHEPHERD was indicted for stealing, on the 11th of October, twenty-four yards of sacking, value 14s. the property of George Dyer and Frederick Klein.

FREDERICK KLEIN *sworn.*

I lost the sacking on the 11th of October last; it was on a Tuesday; I only prove the property.

BROTHERHEAD *sworn.*

I saw the prisoner take the sacking from the warehouse between one and two; I saw him stopped with it. The prisoner brought it back to the warehouse, and put it down.

THOMAS CATOR *sworn.*

I am shopman; I had been to dinner, and left this man Brotherhead in the shop; I was informed the prisoner had taken something; I ran after him; he was about 20 yards; I followed him 100 yards; I asked him where he was going with it; I took him by the collar, and made him bring it back.

back. The cloth is marked D 7 ; it contained 24 yards ; it was in the shop ; I had set 20 pieces ready to go away ; this was one of that 20.

Mr. Knowlys, Prisoner's Counsel. Was this made up into a sack ?—All in a roll.

CHARLES POCOCK *sworn.*

I am constable ; I was sent for to Mr. Dyer's shop ; I took charge of the prisoner, and have had the facking ever since. (Produced)

Mr. Knowlys. Did the prisoner come back quietly ?—Yes.

(The facking deposed to.)

Prisoner. I leave it to my counsel.

The prisoner called seven witnesses, most of whom knew him from his infancy ; they all gave him a very good character.

The Jury recommended him to mercy on account of his family.

GUILTY. Whipped.

Tried by the London Jury before
Mr. RECORDER.

402. ELIZABETH CHAMBERS was indicted for stealing, on the 22d of October, one woollen cloth coat, value 40s. one Marseilles waistcoat, value 3s. one cotton ditto, value 3s. one pair of velveret breeches, value 3s. one pair of sattinet ditto, value 10s. a muslin handkerchief, value 1s. two pair of hose, value 18d. the property of William Kinslen ; and one pair of cotton stockings, value 2s. the property of Robert Howden.

WILLIAM KINSLLEN *sworn.*

My house is in Alderigate-street, opposite Little Britain ; I came home about nine last Saturday evening ; I found my two pair of stairs front room on fire. The prisoner was my servant ; I suspected her of stealing several things. I had her taken up as soon as I had put the fire out. She was

going to bed ; I found in one of her shoes fourteen duplicates ; her bed-room is one pair of stairs above the room that was on fire. I found many of my things upon examining at the pawnbroker's.

WILLIAM THOMPSON *sworn.*

I am an apprentice ; I know the prisoner ; she pledged a pair of breeches with me the 7th of September, a pair of stockings for 9d. the 20th of September ; the breeches are velveteen, the stockings are worsted ; a coat for 6s. 2d. the 24th of September, and two waistcoats for 6s.

Prosecutor. I never gave the prisoner leave to pawn any thing for me.

(The clothes produced.)

ANN HOWDEN *sworn.*

I have mended my father's stockings ; those stockings are mine.

(The prosecutor deposes to the coat.)

I have had the coat twelve months ; I am sure it is mine.

(Prosecutor deposes to the waistcoat.)

Prisoner. I leave myself to the mercy of the Jury.

GUILTY.

Transported for seven years.

Tried by the London Jury before
Mr. RECORDER.

403. SUSANNAH NORRIS was indicted for burglariously and feloniously breaking and entering the dwelling-house of William Lovell, on the 23d of October, about nine in the night, and stealing five silver tea-spoons, value 5s. a breast-buckle, value 2s. and two silver table-spoons, value 20s. his property.

WILLIAM LOVELL *sworn.*

My house was broke open the 23d of this month.

JAMES

JAMES HITCH *sworn.*

I live at Ware, Herts; the prisoner gave me a breast-buckle about ten o'clock on Tuesday night, about three weeks ago; a man had got her in hold, and she then gave it me.

RICHARD BROWN *sworn.*

I am constable of the parish of Ware. Mr. Watkins gave charge of the prisoner; after that he knocked me down because I would not let him take the prisoner away. About six in the morning the prisoner said, she wished I would go to Ann Crow's, as she had left two silver spoons with her, and a breast-buckle with Hitch.

ANN CROW *sworn.*

I received two spoons from the prisoner on Tuesday night; she desired me to be good enough to keep them for her till next day.

WILLIAM WATKINS *sworn.*

I apprehended the prisoner. I did not beat Brown; he beat me. I apprehended her, and took her to a public-house. The prisoner is, I believe, some relation to Lovell.

ANN LOVELL *sworn.*

I have nothing more say, than the window was fast. The prisoner is my niece; I brought her up from her infancy. I came to prove my property in the spoons: those five tea-spoons are mine; one is marked I. P. my first husband's name. Three weeks ago, or better, I missed the spoons in the morning.

FRANCES ALLEN *sworn.*

I saw the windows of the house fast; I did not sleep there.

MARY ALLEN *sworn.*

I saw the window open in the morning.

Prosecutor. I married the prisoner's aunt. (Deposes to the table-spoons and breast-buckle.) They are all marked W. A. L. I have had the breast-buckle seven or eight years.

PRISONER'S DEFENCE.

My mother gave the things to me; she lives in Green-street, Enfield; I have nothing to say but I am innocent. I have no witnesses.

GUILTY of *stealing to the value of* 39s.
(Aged 17.)

Privately whipped, and discharged.

Tried by the first Middlesex Jury before
Mr. Justice HEATH.

404. **PATRICK DORAN** was indicted for stealing, on the 27th of October, twenty pound weight of lead, value 2s. the property of William Kendall.

WILLIAM KENDALL *sworn.*

I lost some lead the day before yesterday from the back gates; I saw it ten minutes before it was taken away. A neighbour pursued the man.

GEORGE WELLS *sworn.*

I live within a few doors of Mr. Kendall. I saw the prisoner go by with some lead; he came back, and went to Kendall's yard. I went round, and told his hostler I thought some lead had been taken away; while I was talking, the prisoner came out with another piece of lead. I watched him, and saw him deposit the lead in a house in Ball-yard. (The lead produced.)

PRISONER'S DEFENCE.

The foreman of the carpenters cut the lead, and sold it; and he sent me another time with another piece, and I sold it for fourteen pence.

GUILTY.

Fined 1s. and imprisoned six months.

Tried by the first Middlesex Jury before
Mr. Baron HOTHAM.

405. **JOHN**

405. JOHN MOORE was indicted for stealing, on the 17th of September, four pair of leather shoes, value 20s. the goods of Baltus Ford, privily in his shop, *sworn.*

BALTUS FORD *sworn.*
I am a shoe-maker; I live at No. 31, Swallow-street; I did not then miss the shoes, till I heard they were stolen. On the 17th of September, I was informed of it, and searched, and found I missed four pair. The prisoner was often a customer.

JONATHAN BAKER *sworn.*
The prisoner brought these shoes to me, at different times, one pair at a time; I asked him particularly concerning them; he said, a shoe-maker was indebted to him for hair-dressing, and paid him in shoes. I lent him 3s. a pair; that, I imagine, is pretty near the value.

(The shoes deposed to.)

GUILTY. 3s.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

406. JAMES SIMPSON was indicted for stealing, on the 24th of October, an hundred pounds weight of lead, value 5s. belonging to Ann Dennis, and affixed to a certain building of hers, against the statute.

FRANCIS MATTHEWS *sworn.*

I am a watchman; I took the prisoner into custody. The prosecutrix lives at No. 2, Percy-street. I took him the 24th of October, about ten minutes after nine at night, in Stevens-street; I stopped him accidentally.

JOHN DOLSTON *sworn.*

I am a patrol. Last Monday night, a little after nine, I took the prisoner with the lead, the last witness was with me. The prisoner said, he found the lead by a watch-box.

NUMB. VIII. PART I.

FRANCIS COOPER *sworn.*

I live in the prosecutrix's house. On the 24th, in the evening, I was at home; I was looking to see if the rest of the lead was gone, a part was gone before. I saw the lead on the pump next the mews the night before. The lead is fixed to the wall of the house.

JANE KNIGHT *sworn.*

I saw a man on the building between nine and ten; I do not know who the man was; it was very dark; it is in a mews.

JOSEPH AMMETT *sworn.*

I saw the prisoner close to the place where the lead was taken away; it was a quarter past nine; he had nothing about him.

JOSEPH WHITEMAN *sworn.*

I was the constable of the night; I detained the man, and fitted the lead the next morning; it fitted exactly; it seems to be ript off.

Court to Matthews. When you took the prisoner in Stephen-street, how near is that to Mrs. Dennis's house?—About 200 yards.

Prisoner. I found the lead.

(The lead produced, and deposed to.)

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

407. CHARLES CRAWLEY was indicted for stealing, on the 2d of October, three pieces of cotton bed furniture, value 2s. a Marseilles petticoat, value 12d. a dimity ditto, value 2s. a check apron, value 6d. a cotton bed-gown, value 6d. a pair of stockings, value 6d. the property of Francis Assen.

FRANCIS ASSEN *sworn.*

I am a perfumer, No. 10, King-street, Soho.

ELIZABETH ROBERTS *sworn.*

I am servant to the last witness, the articles in the indictment were taken from the

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shop

shop in the morning about nine, that was Tuesday morning last; I heard a noise in the shop, saw the door open, went in, and missed the things in the indictment, I saw them in the shop that morning. The prisoner was taken in a few minutes; I pursued him, and saw him drop the linen; they were loose, I did not see him go out of the house, but I never lost sight of him after I once saw him. I am sure he is the man. The things were delivered to the officer.

THOMAS DALTON *sworn.*

I took these things taken from the servant, I did not see them on the prisoner; the young woman was picking them up.

JOHN CHILDS *sworn.*

I am an officer, I run first and took the boy; I did not see the articles upon him.

(The things depofed to by Elizabeth Roberts.)

PRISONER'S DEFENCE.

A young man offered me sixpence to carry them.

GUILTY, *Whipped.*

Tried by the first Middlesex Jury before Mr. RECORDER.

408. BENJAMIN COLEMAN, alias COBURN, was indicted for feloniously breaking and entering the dwelling house of Daniel Egan, between the hours of four and six in the afternoon of the 24th of August last, Sarah, the wife of James Devon, and Elizabeth Campbell, spinster, then being therein, and feloniously stealing a black silk cloak, value 20s. a shawl, value 5s. six yards of cloth, value 5s. a pair of shoe buckles, value 20s. a pair of ditto, value 2s. a thimble, value 12d. and a seal, value 12d. his property.

Mrs. EGAN *sworn.*

I am wife of Daniel Egan, I was in the country, I only speak to the property.

ELIZABETH CAMPBELL *sworn.*

I was in Mr. Egan's house, in the City Road, the 24th of August, Sarah Devon was with me, the family was from home, I remember the house being attacked between four and six; I saw the man pass by the bar, as I was sitting there, (it is a public house,) and I went after him, and took a piece of linen cloth from him; it was the prisoner, he seemed to come from the stairs; I stopped him about fifty yards from the door; I do not know how he got into the house: I took care of the house with Sarah Devon, in the absence of the family. The cloth was taken from the bed room, two pair of stairs; I had seen it there, but it was more than a week or a fortnight before; I locked that room that day between twelve and one, I had not been in it afterwards, I had the key all the time in my pocket; I examined the door when the man was in the house in custody; the door had been unlocked not forced, the drawers had been wrenched open, and the things in the indictment taken from them. I saw all the things taken from the prisoner, I had seen them in the house before; I never saw the prisoner at the house but once before.

SARAH DEVON *sworn.*

I assisted in looking over these things, I suspected the prisoner passing by; I told this last witness to follow him, she stopped him; I pulled a cloak out of his pocket, and I said it is my sister's cloak; he said, is it? I saw part of the things taken from him, but not all; I saw the shawl the day before on my sister's neck, when she went out of town she pulled it off dirty; it was up stairs, I never went up stairs, I took care of the bar.

WILLIAM BIRD *sworn.*

I was going by the house at the time of the robbery, and assisted to apprehend the prisoner, and took these things out of his pockets, and picklock keys, and an iron crow. (The things depofed to.) I tried the door and drawers with the keys, and they opened them.

Prisoner.

Prisoner. Did not you say that there were two men in the house of whom you had a strong suspicion?—Yes, two besides him, but they went away before him, and he watched them on the other side of the way.

PRISONER'S DEFENCE.

I have no witnesses, I happened to go to Hoxton, and called in and had a pint of beer; I found the bundle with these things in the privy.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

409. ANN MATTHEWS was indicted for burglariously and feloniously breaking and entering the dwelling house of John Lewis André, about the hour of two in the night of the 7th of October, and burglariously stealing therein, eight silver table spoons, value 40s. four silver desert spoons, value 16s. four tea spoons, value 8s. five cruet tops, value 20s. two silver salt spoons, value 2s. a diaper table cloth, value 2s. and a linen towel, value 8d. his property.

JOHN LARKINS *sworn.*

I saw the doors and windows secure on the night of the robbery, I made all safe. I went to bed a quarter after eleven, my fellow servant was up after me, that is the prisoner. I did not hear her go to bed. I arose about a quarter after six, I heard no alarm in the night, it was the 7th of October, it was light. I observed the pantry window was broke open; it was a sash, the bottom pane of the bottom sash was broke; the sash was put up again, and the shutter shut to, a person might thrust down their arm, and open the window; I saw no marks of violence, only I found a little blood on the shutters. I missed the things in the indictment, they are my master's property; I saw them a quarter after eleven in the pantry, that was a good distance from the win-

dow, but in the same room. The things are here. I did not know the prisoner before, I was footman, and had been about ten weeks. The things were found at the pawnbroker's, I was not present.

THOMAS SAMPWELL *sworn.*

I was sent for by Davis, the pawnbroker, on the 8th of this month; the prisoner was at his shop, I searched her, and found these things on her; I said nothing to her, either that it would be better or worse. She told me she broke open the house; I asked her if she had any accomplices, and she said no.

Prisoner. I never told him any such thing.

RICHARD SHARPE *sworn.*

I am apprentice to Mr. John Davis, I saw the prisoner at the time, I apprehended her; she came with a table cloth, and asked 18d. then she produced a pap spoon; we were apprized of the robbery, and I told my master, and he sent me to Mr. André.

JOHN LEWIS ANDRE, Esq. *sworn.*

(Deposed to the things, and Larkins also deposed to them.)

Court to Mr. Andre. What is the value of these things?—I cannot say; I knew the prisoner very well, she was not employed by me that I recollect, her sister lives with us now, her name is Mary, the prisoner had been a servant.

PRISONER'S DEFENCE.

I have nothing to say, and no witnesses.

GUILTY of stealing to the value of 39s. but not of the burglary.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

410. FRANCIS SENNETT and GEORGE CLARK were indicted for feloniously

niously making an assault, in a certain field and open place, near the king's highway, on Jenkins Jones, on the 21st of October, and putting him in fear; and feloniously taking from his person and against his will a silver watch, value 20s. a cornelian seal set in gold, value 20s. a metal seal, value 6d. and a pocket book, value 2d. his property.

(The witnesses examined separate.)

JENKIN JONES sworn.

I was robbed the 21st of October on Constitution-hill, between nine and ten in the evening: I was coming down the hill, I was met by the two prisoners; they demanded my property; I was alone, they were not armed, they were dressed as they are at present; they took from me my watch and pocket book, a gold seal and metal seal, which have been found since; they staid with me three or four minutes, it was not a very dark night, but there was no moon; I never saw them before to my knowledge. George Clarke was taken within three hundred yards, Sennett escaped, but was taken the next day. I could see George Clarke's face perfectly well, for he had hold of my handkerchief, while the other robbed me. I gave the alarm before they were ten yards from me. I have no doubt as to Clarke being one of the men that robbed me; I believe Sennett to be the person, but I cannot positively swear.

JOHN BRASS sworn.

I am a soldier of the 1st regiment, on the 21st of this month I was going to Knightbridge Barracks, between nine and ten I observed two men running from Mr. Jones, on Constitution-hill into the Green-park; I came up to Mr. Jones, and he said, if I was an honest man he hoped I would assist him. I told him I would. We never lost sight of Clarke, and took him at about two hundred yards distance, the other got away. I saw nothing found on Clarke, I saw him searched at the White Horse public-house, Piccadilly.

EDWARD FUGAN sworn.
I saw Clarke brought in, he was in Ting's custody, and I apprehended Sennett the same day, last Saturday; I found a duplicate in his pocket of one Winty, a pawnbroker, Cable-street; I went there with the prosecutor, and found a silver watch and seals; the pawnbroker has it here.

RACHEL ADDERLY sworn.

This young man (Sennett) came to the Jolly Sailors, in Cable-street, and called for a pint of purl on Saturday, October 21, between ten and eleven in the morning, he said he had a watch, he wanted to sell it, I think I should know the watch, though I did not take much notice of it, it was a silver watch, with two seals; a Jew offered him a guinea for it; he sent the servant girl to pawn it for a guinea and a half, and I went with her, and pawned it myself for twenty-six shillings. I gave him all the money.

JOHN READ sworn.

I went with two more serjeants, and secured Sennett, and we held him while he was searched by the captain of the patrol. I saw the duplicate found.

WILLIAM WINNE sworn.

I am a pawnbroker, I produce a watch pawned by Rachel Adderly and another girl on Saturday, October 21, about eleven o'clock, for 11. 6s.

Court to Fugan. What time of day did you take him?—Between three and four in the afternoon.

(The watch deposed to.)

Francis Evans and Richard Pope assisted to take him, and Evans searched his lodging, and found a pocket book, which the prosecutor deposed to.

PRISONER CLARKE'S DEFENCE.

I am very sorry to be brought to this place for what I am not guilty of.

PRISONER SENNETT'S DEFENCE.

I know nothing of the matter.

The

The prisoner Clarke called four witnesses, who gave him a very good character.

FRANCIS BENNETT, } GUILTY, Death.
GEORGE CLARKE, }

*Tried by the first Middlesex Jury before
Mr. Baron HOTHAM.*

411. WILLIAM PELFREYMAN and JAMES RANDALL were indicted for * assaulting John Mills on the king's highway, on the 5th of September last, and putting him in fear, and feloniously taking from his person and against his will one silver watch, value 40s. a metal watch chain, value 2s. two French half crowns, value 5s. a counterfeit shilling, value 1d. a silver counter, value 3d. and two guineas and a half, his property.

The witnesses examined separate.

JOHN MILLS *sworn.*

I am a gold and silver wire-drawer, in Grub-street; on the 5th of September I had been to Haye's School, and was returning; between the eighth and ninth mile stone, facing Windmill-lane, in the Cross-way, I was stopped by the two prisoners at the bar, between five and six in the evening, it was perfectly light; I was in a single horse chaise, the prisoners were on horseback; I saw them no great while before they attacked me, they rode up one on each side, and Pelfreyman ordered me to stop my horse, which I did, and he demanded my watch and money. Randall was on my side, and I gave him the money in the indictment, and a three-penny or four-penny piece, some thing of that kind, and a silver watch in a double case, and a metal chain; then they rode off. They were with me not above a minute or two, I should suppose, but a very short time; I saw them again the Tuesday week after the robbery. Each of them had a pistol, they behaved exceedingly well, as a man could expect to be robbed, only threatening the

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horse. I have no doubt of the men, I saw them at Bow-street.

Mr. Garrow, Prisoner Randall's Counsel. What dress did you see Randall in when he was at Bow-street?—A drab coloured kind of coat, the coat he has on now, apparently to me the coat he had on at the time he was stopped.

So you swore at that time?—I judged it so.

It is by that principally that you enable yourself to swear to him?—No, Sir; I have a strong recollection of his face.

You had never seen either of the persons who robbed you before?—Never to my knowledge.

Court. Was any body with you?—My brother and two little girls.

Your children are young children, I suppose?—Yes.

Are they here?—No, the one is about ten, the other six or seven.

Did you ever find any of your things?—No.

JOSEPH MILLS *sworn.*

I was with my brother, in his one horse chaise, on Monday the 5th of September; as my brother and I were coming from Hayes, on the Uxbridge-road, between five and six, we were stopped by two men. I know Pelfreyman.

Can you swear to him?—Yes, I can.

Are you positive?—I am as to his person, because he was on the same side of the chaise where I sat, it was close by my side; they ordered the horse to be stop; then they demanded the money, my brother asked them if they would take all his money? whether he would not allow him something for his expences on the road? he said, deliver all your money and your watch. I saw my brother deliver his money and his watch, they then rode off towards Harrow. I saw them at Bow-street the Tuesday se'n-night after. I cannot swear to Randall's person.

Jury. Who was the money given to?—To Randall.

Mr. Garrow. That is, more correctly speaking, to the other man who was with Pelfrey-

* Not feloniously assaulting.

Pelfreyman?—Yes; I believe him to be the man, but I cannot swear.

JOHN BAKER *sworn.*

I am a patrol of Bow-street, I apprehended the two prisoners, one in Park-street, and the other in Park-lane. I saw them on the Harrow-road, coming towards home on horseback, the 5th of September, about a quarter before seven in the afternoon. Randall was servant to Colonel Moncrief; the other came backwards and forwards to see him; I saw him various times, I lived in the neighbourhood. I had many times seen James, with his master's horse on the road, but never William.

HENRY JESSOP *sworn.*

I am watchman, where the men were taken. I knew Randall before, I assisted to take them.

PRISONER PELFREYMAN'S DEFENCE.

I can bring witnesses where I was at the time of the robbery.

PRISONER RANDALL'S DEFENCE.

I leave it to my counsel.

The prisoner, Pelfreyman, being admonished by the Court of the danger of supporting an alibi by perjury, withdrew it.

The prisoner, Randall, called six witnesses to his character.

WM. PELFREYMAN, }
JAMES RANDALL, } **GUILTY, Death.**

*Tried by the first Middlesex Jury before
Mr. Justice HEATH.*

Mr. Garrow. It is my duty, my Lord, to submit a motion in arrest of judgment; the indictment states that there was no sort of alarm made on his person, there is an assault but not a felonious assault. (The indictment read.) The jurors present that William Pelfreyman and James Randall, on the 5th of September, with force and

arms, in and upon John Mills, in the peace of God, did make an assault, and him the said John in fear then and there feloniously did put, and one watch feloniously and violently did steal, and carry away.

Mr. Garrow. There is a felonious larceny and a felonious putting in fear, but not a felonious assault.

Court. Then there must be another indictment, we cannot suffer two men to go upon the highway again.

Mr. Garrow. To be sure they cannot be convicted of the same felony again, if they have the misfortune to stand there, I must exercise my judgment; I do not feel myself armed with powers to wave a good objection.

[The prosecutor and witnesses ordered to go to Hicks's-Hall and prefer a new indictment, and tell the person who drew it that he has made a mistake.]

Mr. Garrow. I will advise the prisoners, my Lord, to waive the objection.

Court. We cannot do it, we are bound to take notice of it.

Prosecutor. If any thing can be found for the benefit of the prisoners I shall be very happy.

Mr. Garrow. They are now convicted of a highway robbery on this indictment, of course their judgment may be saved; on the face of this record they will be entitled to judgment, because they are convicted of larceny.

Court. No, we must do justice to the public, we must have another indictment.

The two prisoners ordered to be taken away, and to remain in custody.

N. B. On Saturday Mr. Justice Heath informed Mr. Garrow that he had considered the objection, and thought the indictment good; therefore he should not try them again.

The prosecutor had obtained another indictment.

412. BENJAMIN CARVER was indicted for feloniously assaulting Thomas Knowles, D. D. on the King's highway, on

on the 16th of September last, and putting him in fear, and feloniously taking from his person, and against his will, two guineas, his monies.

Dr. THOMAS KNOWLES *sworn*.

I was robbed the 16th of September; I was going towards Finchley church, on a Friday, in the parish of Finchley, between three and five, I suppose it might be about four; I was in a post-chaise; my wife and daughter were with me; we were stopped by the prisoner; I did not know him before; I met him just before, on the other side of the great road; I took notice of him as a suspicious person; soon after, he followed the chaise, and called to the servant to stop; the sun shone bright; the green blinds were up; I saw him before through the front glass; on letting down the blinds, he presented a pistol towards Mrs. Knowles, and demanded our money; I gave him a purse with two guineas, which he took out, and returned the purse; Mrs. Knowles gave him a small purse, which was found on him when he was taken; this lasted but a very few minutes; he said he would not ask for our watches, but touched his hat, and went off; he behaved civilly, not one bad word; I believe he was taken directly, in Barnet; I saw him about an hour after; I was agitated, and I could not recollect him; but presently after I could describe his dress exactly; he had a blue great-coat on when he robbed me (and so he was taken), a linen waistcoat, I remember the sprig of it particularly, with little sprigs at the edges; I particularly wondered he should have a great coat on, it was a very hot day.

Court. Was it one of those very hot days we had in September?—It was: the constable took the purse from him.

Court. Be so good to look at him again.

Prosecutor. I have no doubt about him.

Prisoner. Did not you decline swearing to me at Barnet?—This I said, that his hair was so much dishevelled, and he had a great colour in his face, whereas before he looked exceedingly pale, that I really at that moment could not swear whether he was the

person or not, but I can positively swear to him now: I did not swear to him before the magistrate; I had some doubt in my mind; his countenance was so very different, that his countenance convinces me now that he is the same person.

Prisoner. I wish the Court to know the answer that Dr. Knowles gave to the magistrate at Barnet; whether Dr. Knowles did not refuse swearing to me, because the person who robbed him was of a very pale complexion?—I say so now.

Court. Did you swear to him at all before the justice?—No, I did not.

Did you give intelligence to any person at the time?—Mr. Underwood was with me, and he saw the servant set off after him.

Mrs. SARAH UNDERWOOD *sworn*.

I was in the chaise with Dr. Knowles, my father, when he was robbed; the first notice I took of the prisoner, was his presenting a loaded pistol, and demanding my father's money, and said distrefs had brought him to do it; my father offered him one guinea, and asked him if that would do; he said it would not; he rapped at the shutter three times with a very bright new pistol to appearance; upon that my mother let down the blind, and my father gave him a guinea; he said he demanded the money; he said distrefs had brought him to do it; upon which my father offered him a guinea; says he, will that do for you? no, says he, it will not do, for distrefs has brought me to it, and I must have the other; my father gave him the two guineas and the purse, and desired he might have the purse back again, which he had; and my mother gave him a purse, which I did myself; he never offered to rob me; I could not help looking stedfastly at him the whole time, I could not help it; he had a blue great coat on; and his person, and every thing, has been in my mind ever since, and I could describe the person of him in my sleep; he had a blue great coat, and a dirty-coloured silk handkerchief round his neck, like that one I have seen him pull out just now; he was
three

three, four, or five minutes with us; my father talked to him, and parleyed with him in that manner.

Court. I need not put you on your guard, that the life of the prisoner may depend on your evidence; I dare say you mean to say what is right; but in all that hurry and agitation of spirits which this must necessarily produce, are you sure and certain, in your own mind, that the prisoner at the bar is the man or not?—I am willing to swear it; I am positive, and have no doubt in the world.

Prisoner. The lady, in giving her evidence so very clearly and deliberately, on observing my person, and the colour of my handkerchief, I beg leave to ask her, whether she did not look in my face at Barnet, and ask which was the man that robbed her father?—I recollect he was among a great number of people, and therefore I might not recollect him quite so well, then; I might recollect him afterwards in my own mind.

Court. Did you ask that question, Which is the man that robbed us?—I cannot tell.

The prisoner desires to know, and he has a right to have an answer to that question, whether you did ask that question, Which is the man that robbed us?—If I recollect myself at all, it was my saying that, because I thought it was the very man.

Have you any recollection of that; consider with yourself?—To say the truth, I was very much frightened at that time; I might say it.

But when your mind was more composed, how were you then?—I recollect the great coat, handkerchief, and every thing, I called to mind; when my mind was more composed, I had a more perfect recollection; it is so much so, that I even can make visions before my eyes.

Prisoner. I beg the Jury will attend to the very deliberate answer, that she should be so cool and deliberate when she came into the room among twenty people looking at me, and asking, is this the man that robbed us; I wish the lady would give that explicit answer, for the satisfaction of the Court.

Court. That will be a circumstance that, among others, will be left to the Jury to judge, how well she is warranted to swear to you.

WILLIAM BURROWS *sworn.*

I am servant to Mr. Underwood; I remember the carriage in which Dr. Knowles was being stopped; the prisoner rode by, and as he passed he pulled out a pistol, stopped the driver, and rode up to the carriage, and tapped at the window, and demanded the money.

Are you sure the prisoner is the man, from the notice you took of him?—Yes: we went but a very little way before we saw some persons at work in a field; one of them got on my master's horse, his name is Jeremiah Pooley; we pursued the highwayman; he was going very gently, till I rode past him; I turned into the Red Lion, at the bottom of the hill, at Barnet; as soon as he saw that, he clapped spurs to his horse, and galloped away; we pursued and took him, and I saw Doughton take a brace of pistols out of his pocket.

Prisoner. How far, and what pace, he rode with me, before he gave any alarm?—I rode by him as fast as I could, and then gave the alarm.

Prisoner. He has informed the Court that I was riding very gently; he rode with me as far as from Whetstone to Barnet before he gave any alarm at all.—I did not ride with him at all; the person that was with me saw me go past as fast as I could.

What was you promised in case of my conviction; whether he was not promised his part of the reward?—No, my Lord; I was promised no such thing.

JEREMIAH POOLEY *sworn.*

I was at work on the 16th of September last, when I pursued the highwayman with the last witness, which was about ten minutes, or rather more, I cannot say; I know the prisoner is the man that I rode after, he was going very gently on horseback; the last witness passed by him; I kept just behind him; the prisoner rode gently till the young man gave the alarm; then the prisoner

prisoner made his horse go as fast it could ; when he was near the first Red Lion, where the last witness was, I immediately raised a hue and cry after him. I saw nothing taken from him.

JAMES HILL *sworn.*

I am a mason, I heard the hue and cry, and helped to stop the prisoner. I fancy the prisoner has got his purse again. The prisoner had like to have rode over me ; I saw him searched, and a pistol, two guineas, and a purse found on him ; I think the Justice ordered him his purse again.

EDWARD SCOTT *sworn.*

I am a labourer, I saw a post boy hallooing out stop thief, and I caught a man by the cape of his coat ; he said, d—n your eyes let me go, what do you want with me ? Hill came up and assisted me, I saw him searched, there was a brace of pistols ; I saw a purse taken from the young man at the bar in the parlour.

PRISONER'S DEFENCE.

I beg the attention of the Court to what has been said against me, and I rest my defence with the Jury. I beg leave to say a few words with respect to what has been laid against me. First, Dr. Knowles comes now and swears positively against me, nearly two months after he was robbed, when an hour and a half after he declined it. The next is Mrs. Underwood, she comes nearly two months after, describing the colour of the handkerchief of the person who robbed them, describing the colour of his coat, his dress, complexion, and every particular circumstance which she could not describe an hour and a half after, and said when she looked me in the face, which is the man who robbed me ? That boy is next called, I put it to him, he declines answering it, how far I rode with him, and what pace. I rode with that boy I suppose more than two miles, at the pace of five miles an hour, when I went through Barnet I went not very fast ; then when stoppt I made no refusal ; there was what money I had when I

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was before the magistrate ; nothing found upon me could be claimed by any other person. I was on my business, if any person claims any part of the property that was found on me, so it must be.

Court. How did you come by the pistols ? —I had a pair of pistols about me, which I bought at Cambridge ; I have travelled with a great deal of money about me very often, and it was necessary for me to have them for my own defence.

How came you to ride so fast when the boy was going into the yard ? —I did not ride fast, I rode gently up the hill, but when I got into Barnet I rode fast, without any particular reason. I have witnesses to my character.

WILLIAM ROUSE *sworn.*

I am a grocer in Wigmore-street, Cavendish-square, I am no relation to the prisoner, I have known him about six or seven years, but not for pretty nigh a year ; when I knew him he kept a grocer's shop in Pitt-street, in Pancras parish ; at that time I always believed him to be a very honest industrious man : he bore a very good character, but I believe the business in Pitt-street did not answer very well, and he removed to Carnaby-street ; there he was rather unfortunate in business, and lived in different places. There are many friends I could have brought to give him a good character, as a sober, honest young man. I never heard of his being guilty of any thing of the kind before.

Prisoner. That gentleman well knows that my friends are in affluence and respectability, and that I have been with them ever since my business declined.

Mr. Rouse. His father and brother are both ministers, they both preach the gospel.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

He was humbly recommended to mercy by the prosecutor, on account of his good behaviour and youth.

H 413. WILLIAM

413. WILLIAM SIMS was indicted for stealing, on the 8th day of October, one callico handkerchief, value 2s. the property of Edward Lavender.

EDWARD LAVENDER *sworn.*

On Saturday night, the 8th of October, I lost my handkerchief, about ten, about the middle of Greek-street; I felt something touch my right hand-side very slightly, I immediately turned round and perceived my handkerchief go out of my pocket, and the person who took it, gave it to another that was with him; I instantly charged the man who took it, but two men that were with him surrounded me, and said d—n the b—r, knock him down. I let the man go, and struck him across the head with my stick, which broke; then I retreated, and called watch, and the man was secured; he was out of my sight only a moment; I am certain he was one of them, it was a very light night, and very near a large biscuit baker's shop. I did not get my handkerchief again.

JOHN CUMMINS *sworn.*

I heard a noise in Greek-street, I had a pint of beer, and I left it, and went to the noise, and heard a blow and a stick fall to the ground; then I heard these men make use of that word, and aimed a blow at the prosecutor, but missed it; the rest ran away, and this man was taken. I am sure he was the man that I saw aim the blow at Mr. Lavender. The prisoner was never out of my sight.

WILLIAM CLARKE *sworn.*

I am the watchman, I stopped the prisoner, who was running; the watch was called, and the prosecutor came up, and gave charge of him.

PRISONER'S DEFENCE.

I had been up to Berner's-street, and returning I saw three or four young men before me, and I heard somebody say I have lost my pocket handkerchief, and my de-

tainer caught hold of a man in black, and then he took me.

GUILTY.

Transported for seven years.

Tried by the Second Middlesex Jury before Mr. Baron HOTHAM.

414. JAMES FULCHER was indicted for burglariously and feloniously breaking and entering the dwelling house of William Tunstie, about the hour of eight in the night, on the 4th of October, with intent to steal his goods and monies.

WILLIAM TUNSTIE *sworn.*

I live in Broker's-alley, Drury-lane; about eight in the evening on the 4th of October I sent out my little daughter to order some beer, and I sat on the stairs to watch the door till her return; she shut the door after her, and in about a minute the door began to shift a good deal, and a man put his two hands under the door, and wrenched it open, and he took it in his arms, and put it on the spring again, and turned into the shop. I immediately got assistance, and secured him. About ten I found this parcel, but I did not see him throw it down: it contains a lanthorn and a tinder-box.

SARAH TUNSTIE *sworn.*

I am daughter of the prosecutor, I am turned fifteen, I fastened the door by the spring, I am sure of that; I saw the prisoner at the top of the court when I went out, I am sure it was him, I never saw him before, it was a dark night.

JOHN LEWIS *sworn.*

I shut up the shop in the evening, and left all the property secure.

HENRY CROCKER *sworn.*

I took the prisoner, I searched him, and looked about the shop, and found nothing.

PRISONER'S

PRISONER'S DEFENCE.

Coming into Broad-street, St. Giles's, a man said he wanted to sell his room of goods, and desired me to call on one Johnson in Broker's-alley, I went to the prosecutor, and the door was open, and they took me into custody.

Court to Sarah Tunstie. Was the prisoner with any other men at the end of the court?—Yes, two more.

GUILTY, Death.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

415. COLEMAN LOWE and WILLIAM WALKER was indicted for feloniously assaulting the Rev. Robert Nares, Clerk, on the king's highway, on the 7th of October, and putting him in fear, and feloniously taking from his person, and against his will, four silver two-pences, value 8d. four iron keys, value 4d. a printed book, value 1d. a magnifying glass in a horn case, value 6s. a pair of spectacles, mounted with silver, value 20s. one pair of Wedgewood sleeve buttons, set in gold, value 5s. a piece of gold coin, value 25s. one guinea, and three half guineas, his property.

The Rev. ROBERT NARES *sworn.*

I was returning home through the Park, about twelve at night, and between the centinel at the Stable-yard and the Mall-gate I was stopped by one man; I was going through Buckingham-gate home, it was a light night; I had no suspicion of a robbery, but the man held me; I made no noise, I believe he said he would shoot me; another man came up almost immediately, he demanded my money, the other assisted him. I first gave him some silver, but he said that would not do; in short, they rifled my pockets, and took the articles in the indictment. The spectacles I had on; I saw no arms that the men had. I am not sure of the prisoner, but I think I can be sure of the person of Lowe, who came up first, his

face corresponds with the recollection I have; the face of the other I never saw. I imagine they were with me not beyond five minutes; after they left me, in a few yards they attempted to stop another gentleman, who called the centinel, and the men ran away. I never saw the men again till now; I have seen my property since. I have no recollection of their dress.

GEORGE PERRIS *sworn.*

I am a private watchman to Biddulph and Cocks, and a patrol gave notice that two men had committed a robbery, it was three quarters after twelve, I saw two men coming, they said they wanted a coach to carry them on one side of the Tower; I observed one bloody very much, which was Lowe; he had an old frock on, the other man had a coloured coat on. When Lowe was taken I saw Lowe throw a pair of spectacles over the area of Mr. Drummond's door, I picked them up.

Prosecutor. They are mine I firmly believe, and they perfectly suit my sight, here is a mark which I think I can swear to them by.

ALEXANDER STEWART *sworn.*

On the 8th of October, about one, me and my partner were called, and took the prisoners into custody. I have the property I took from the prisoner Lowe, my partner searched the other prisoner.

(The other things produced, a pair of buttons, a magnifying glass. Deposed to by prosecutor, who lost the same quantity of money, but could not swear to the money.)

HARRY LAW *sworn.*

I am the other watchman.

PRISONER LOWE'S DEFENCE.

I am quite innocent, we found these things by Privy-garden-wall, we could not get in, and were stopped by the patrols.

The prisoner called one witness to his character.

Serjeant

Serjeant THOMAS PARROT *sworn.*

The prisoner belongs to General Maud's regiment, I have known him three or four years, he is a very good character.

COLEMAN LOWE, GUILTY, Death.

WILLIAM WALKER, NOT GUILTY.

416. The said COLEMAN LOWE and WILLIAM WALKER were again indicted for feloniously assaulting Robert Cross, in a certain field, and open place, near the king's highway, on the 7th of October, and putting him in fear, and feloniously taking from his person and against his will, a pair of leather gloves, value 6d. a man's hat, value 5s. a pair of leather shoes, value 12d. a pair of plated shoe buckles, value 3s. a callico handkerchief, value 6d. a pen-knife, value 12d. two pots of pomatum, value 6d. two rolls of ditto, value 6d. and one shilling in money, his property.

ROBERT CROSS *sworn.*

I am a servant out of place, I have lived some years in the Duke of Northumberland's family; on the 7th of October I was robbed about two hundred yards from Hyde-park-corner, between eight and nine; I intended to go to Kensington, but returned; another young man (Roddiss) was with me; the second prisoner walked after us, Lowe ran; it was by the coach-road leading to the Serpentine-river, it was in Hyde-park. Lowe came up to the other young man first, and said something, then he came to me; I think he asked him if he had seen his wife, Dian? and he said, he had not, but he seen Mrs. Moon, and then he came to me, and I told him to keep off, then I was knocked down, and he began to search my pockets, and said d—n your eyes, my Lord, have you any money; he demanded that shilling which I had, and I got up and gave it to him; he took out of my pocket a pair of gloves, a pen-knife, two pots and two rolls of pomatum; the other prisoner stood by, and said nothing; the young man

(Roddiss) ran away, then they took my hat and shoes, and buckles, and went away; they went to the Serpentine-river, and then Lowe came back, and gave me a kick, and swore he would knock my brains out, if I looked after him; I went to Piccadilly, and borrowed a hat and a pair of slippers, They are the same two men; Walker was with Lowe at the time, I am sure of that; Walker was standing by while Lowe was picking my pockets. I mean to swear positively that Walker was the man that was with Lowe; Lowe had an old frock on, and Walker had a light brown coat on. It was a moon light night.

GEORGE RODDIS *sworn.*

I was with Mr. Cross when the two men came up, and Lowe asked me if I had seen Diana, his wife? I said no, but I have seen Mrs. Moon, who lives in Hyde park. He searched my pockets, and went to the other man, and knocked him down. I set off to get assistance. I am sure of Coleman Lowe, but as for Walker he was about ten or twelve yards distance.

Cross. It was Lowe that picked my pockets and took my things.

ALEXANDER STEWART *sworn.*

I assisted to stop these people, I searched Lowe, and found in his breeches pocket this glove and this handkerchief, and this pot of pomatum, which Mr. Cross, the prosecutor, swears to; the money was in the glove, one guinea and a half and some silver.

Prosecutor. The pot of pomatum I cannot swear to, but it is the same I dare say, my name is on the handkerchief.

JOHN DOYLE *sworn.*

I searched Walker, and found a hat, a pair of gloves, one pot of pomatum, and one roll of hard, and an old hat; the hat was in the bed room where the prisoner lay. When I searched them at the watch-house, Walker had it on his head, he had no other hat there, I took very particular notice that it was the same hat.

Court

Court to Cross. What sort of hat had Walker on when he robbed you?—They had both round hats.

PRISONER WALKER'S DEFENCE.

My comrade and me were discharged from the hospital on the 7th, and we came down several streets, and at Privy Garden my comrade picked up a bundle, he gave me part, and took the rest.

Court. You was not going to the Tower? —No not then, that was after.

The prisoner Walker called three witnesses to his character.

Serjeant THOMAS PARROTT.
Walker was a very good soldier.

COLEMAN LOWE, }
WILLIAM WALKER, } **GUILTY, Death.**

The jury and prosecutor recommended Walker to mercy, because he was totally inactive.

*Tried by the second Middlesex Jury before
Mr. Baron HOTHAM.*

417. WILLIAM DAVIS, alias ROBERT HUDSON, was indicted for feloniously stealing, on the 11th of August last, two ewe sheep, value 15s. and one lamb, value 4s. the property of William Smallbourn.

WILLIAM SMALLBOURN *sworn.*

I am a farmer, the side of Finchley Common; I have seven or eight score of sheep on the common; I could not miss them till I was informed, sometimes the dogs kill them, sometimes they stray away, I missed them the 1st of October by the man that looked after them; there was W. S. a pitch mark and a fleur de lis, and a ruddle mark about the middle of the back.

JOHN MERCY *sworn.*

I am a labouring man, I look over some fields for some trustees of a young squire,
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the prisoner brought two sheep and two lambs to me to feed, they were marked W. S. a pitch mark, they were ewes; he brought them the 11th of August to put to graze for him, I took in cattle for any body; they had ruddle marks, but I cannot say where, I did not take notice of them. The prisoner gave me no account of them. The prosecutor came and took them away, I cannot say the day. I did not know the prisoner before, I thought he was a horse-dealer; he would not tell me where he lived. I am sure it is him.

WILLIAM JORDAN *sworn.*

I am a labourer, I met the sheep in Barnet, in the possession of a young chap, a lad, a child, about thirteen or fourteen; I knew the sheep, and told the lad they were Mr. Smallbourn's. I went to tell the prosecutor.

Smallbourn. Jordan has the oversight of my sheep, on the 21st of September he informed me, I went the Friday after, and saw the sheep in Mercy's possession.

Court to Mercy. Are you positive the prisoner is the man that brought them to you? —I am positive, he offered to sell them as his own property, two ewes and one lamb for three half guineas, and one lamb he took away.

PRISONER'S DEFENCE.

I live at the Swan and Two Necks on Finchley Common, I bought them of a drover on the road, I gave twelve shillings a piece for the ewes and six shillings a piece for the lambs, and I took them to Mr. Mercy, to graze; I should be glad to put it off till Saturday, as I employed a Counsel and an Attorney, and my brother run away with the money.

Court. It is too late now to put off your trial.

Court to Smallbourn. Did you know the prisoner?—Not by knowledge, by name I have heard of him.

What was the value of these sheep?—About one pound.

GUILTY, Death.

I **Recom-**

Recommended by prosecutor, being a young man.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

418. JOHN DEMPSEY was indicted for feloniously stealing, on the 5th of October, one man's cloth great coat, value 4s. the property of Thomas Perry.

THOMAS PERRY *sworn.*

I lost my great coat about eight in the evening, the 5th of October, setting down a gentleman, I am a hackney coachman; I missed it instantly, and a good looking man told me the man was gone towards St. Giles's. I drove down to King-street, St. Giles's, but I saw nothing of this gentleman or of the property; I understood the patrol had taken the prisoner.

JAMES BARNES *sworn.*

I am a patrol, I took the prisoner into custody, and the coat on his arm, he said he was going to drive all night.

(The coat deposed to.)

GUILTY. *Whipped.*

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

419. WILLIAM FORD was indicted for stealing, on the 8th of October last, one coach window glass, value 10s. the property of William Carpenter.

WILLIAM CARPENTER *sworn.*

I am a coach-maker, I lost a coach glass on the 8th of October, I saw it a few days before; the prisoner was my servant. The prisoner owned it; he had no promise or threat, he said it was at his lodgings. I sent George Woolgin for it. The prisoner had worked for me nine months.

GEORGE WOOLGIN *sworn.*
His wife gave it directly.

(Deposed to.)

Prisoner. I wish to know whether there was a frame on the glass?

JOHN TERRY *sworn.*

I am a servant to Mr. Carpenter, I saw the prisoner running towards his lodgings, across Green-street, with a glass under his arm, and a frame on it.

Prosecutor. I am certain of it.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

420. MARY HOPWOOD was indicted for stealing, on the 27th of September last, one white dimity petticoat, value 5s. a cotton shawl, value 4s. a check linen apron, value 12d. a white ditto, value 12d. and other things, value 10s. the property of Jonathan Willson.

JOSEPH BLACKWELL *sworn.*

I am a pawnbroker, No. 8, Bullstrod-street, on the 26th of September the prisoner pawned a petticoat and shawl with me; I have seen her before at different times, she pledged it in the name of Mary Hopwood, and said it was her own.

(Deposed to by prosecutor; who said the prisoner was nurse to his wife, and she pawned something every day, for the week; she was there except the first two days. The things were in a chest of drawers in the front room, and she had the charge of them.)

THOMAS WATKINS *sworn.*

I am a pawnbroker, I took in a white apron, a tea spoon, and a piece of new cloth,

cloth, the 24th and 27th of September of the prisoner; she said they were her own.

(Deposed to.)

GUILTY,

Fined 1s. and imprisoned one month.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

421. MICHAEL SMITH was indicted for stealing, on the 13th of October, twelve yards of silk ribbon, value 5s. the property of Samuel Francis.

SAMUEL FRANCIS sworn.

I was alarmed of the robbery, I went to the door, I could not see any person, I turned back to the window to see the state of it; I had not been there more than a minute before a mob of people came back with the prisoner, in custody of an officer and a runner.

MARGARET FRANCIS sworn.

I saw the prisoner take the ribbon from the basket where it hung over the line for shew, he took away one piece. I am sure to the prisoner.

JAMES WAYLAND sworn.

I am one of the patrols, I took the prisoner with the ribbon, he was walking fast.

(Deposed to by a mark, being faded and spotted with flies.)

PRISONER'S DEFENCE.

I had been on some business for my father and mother, and they took me; the man run by me, and had liked to have knocked me down, and that good man picked the ribbon off the ground.

The prisoner called three witnesses, who gave him a good character.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

422. JOHN WARREN was indicted for stealing, on the 2d of October, one linen shirt, value 3s. one cambric neckcloth, value 6d. the property of John Rogan, privily from his person.

JOHN ROGAN sworn.

I sell muffins about the street, on the 2d of this month, the corner of Tower-street, Seven-dials, I lost a shirt and waistcoat out of my pocket, I had them five minutes before; I do not know who took them, I did not see the prisoner there. I never saw them since.

THOMAS NEALE sworn.

On the 2d of October I saw the prisoner between Tower-street and the corner of the Seven Dials. This old gentleman was going by, and I saw this prisoner take out the shirt and neckcloth, and put it into his bosom. I knew the prisoner, and I knew the other; says I, be ashamed, give it him again; he gave me ill language, and made a motion and ran; I lost him, I knew him, and the next morning I saw him, I followed him to a cellar, and fetched the prosecutor; we waited for his coming, I seized him, he said, Oh d--n you, and gave very ill language; then he offered to pay for the shirt, and me for my trouble and lost time, but I secured him.

JOHN HAGGETT sworn.

On the Monday morning I was informed of the robbery, the prisoner offered to pay for it; I said you shall go before the Bench of Justices. D--n my eyes, says he, I do not care for the Bench of Justices nor you either.

PRISONER'S DEFENCE.

I stood at the Dials a considerable time, and the next morning they took me.

GUILTY, Not privately stealing.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

423. JOSEPH

423. JOSEPH LEVER was indicted for stealing, on the 24th of October, eight yards of printed callico, value 10s. the property of Thomas Clay.

THOMAS CLAY *sworn.*

I live on Holborn-hill; on Monday, the 24th of this month, I lost eight yards of callico from the door of my shop, between seven and eight, I saw it taken by the prisoner. I was standing in the shop at the time he came into the door, I observed him take it, tear it away, and run off, I pursued him, saw the callico upon him, and took him at the instant he dropped it, it is in this paper.

PRISONER'S DEFENCE.

I saw this callico on the ground, and got my feet in it, and the gentleman came and caught me, and swore I was the prisoner.

GUILTY.

Privately whipped, and discharged.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

424. THOMAS ROSSITER and EDWARD MILLAN were indicted for stealing, on the 26th of September, one mahogany knife case, twelve knives and twelve forks, and one tea caddy, value 30s. the goods of Ebenezer King.

JAMES HARRIS *sworn.*

I am a butcher, I saw the prisoners come out of Mr. King's house between nine and ten in the morning, one of them had the property; I had seen them pass the door for a month before frequently. I heard Mr. King enquiring about eleven or twelve after; Millan had the things; the other had nothing, he was with him. The things were never found. I saw a knife case and a tea caddy.

The prisoners called two witnesses, who gave them a good character.

THOMAS ROSSITER, } GUILTY.
EDWARD MILLAN, }

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

425. ELIZABETH CAVERNER was indicted for stealing, on the 14th of October, a toillinet waistcoat, and other articles of wearing apparel, the property of William Cox.

WILLIAM COX *sworn.*

I am a bricklayer, I am a lodger, the articles mentioned in the indictment were lost from my apartment, they were lost on Saturday; I had seen them the Saturday preceding, they were in a drawer. The prisoner was taken on the Monday.

GEORGE ROBY *sworn.*

I am a pawnbroker, I produce a toillinet waistcoat and a pair of cotton stockings; the prisoner at the bar pawned them with me on the 15th of October, they were pawned separately, she had two duplicates, they were pawned on Saturday evening about ten o'clock.

REBECCA COX *sworn.*

I am the wife of the first witness, I lost a black silk cloak, a pair of cotton stockings and a waistcoat; she came just after I was brought to bed, I went out of the room to get some tea and sugar, she staid two hours, I missed the things in an hour after she was gone, she left the house about six. We lost nothing but what has been described.

(The waistcoat produced, and deposed to by the prosecutor.)

PRISONER'S

PRISONER'S DEFENCE.

Mr. Cox came to me last Sunday week, he said, was not you at my house on Sunday last? he said, you have taken my things, tell me where they are, and I will take it at so much a week. I was to pay three shillings per week, and he said he would not hurt me.

GUILTY.

Finid 1s. and imprisoned six months.

Tried by the second Middlesex Jury before Mr. RECORDER.

426. JOHN DEELEY was indicted for stealing, on the 11th of October, four linen sheets and a linen petticoat, value 15s. the property of Joseph Wisby.

MARY WISBY *sworn.*

I lost four sheets and a petticoat, I lost them out of an orchard.

GEORGE MERCER *sworn.*

I saw the prisoner get over the pales the 6th of this month, between twelve and one, he pulled a petticoat off the line, and put it into this bag, which he took from his pocket; he put four sheets also into the bag, which he took from the same place; when I attempted to stop him, he left the bag in the ditch and run. I hallooed stop thief! he was taken. I took up the bag, and have had it ever since.

— PERRY *sworn.*

I am a gardener, I was in my master's garden, I heard somebody cry stop thief! I saw the prisoner run down the orchard, and jump over a brick wall; he had passed the ditch when I saw him run, I stopped him; seven or eight minutes afterwards I saw the property.

(The articles produced, and deposed to by the prosecutor's wife.

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PRISONER'S DEFENCE.

Your Lordship, I know nothing of it any more than the child unborn; if that man can swear against me, after taking me a mile and a half off, he can swear any thing.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. RECORDER.

427. MARY FLYNN was indicted for feloniously stealing, on the 28th day of September, five yards of lawn, value 8s. the goods of Joseph Owen.

JOSEPH OWEN *sworn.*

I am a shopkeeper.

GEORGE WILLIAMS *sworn.*

The 28th of September, about four in the afternoon, the prisoner came into Mr. Owen's shop (I am a journeyman) she asked to look at some clear lawns; as we had no lawns wide enough, she asked to look at some muslins, I went and fetched them; on my return I missed a piece of lawn, I shewed her the muslins, she offered a price I could not take; the woman who was with me in the shop kept me in conversation, which induced me to think the woman who was gone was the person who stole it. I followed her and stopped her, she dropt it; the lawn was brought into the house in a minute or two, I do not know by whom; I have kept it in my box ever since. It is marked I | D.

(The lawn produced, and deposed to by the prosecutor, who said that he was out of town at the time of the robbery, but he had seen it a day or two before he went out of town.)

PRISONER'S DEFENCE.

I had three or four glasses of liquor, the woman who was in the shop wanted me to take

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take the lawn. I do not know what I did. I have three small children.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. RECORDER.

428. **WILLIAM JONES** was indicted for feloniously stealing, on the 17th of October, twenty pounds weight of mottled soap, value 10s. the goods of Jesse Russell, Esq.

JESSE RUSSELL, Esq. sworn.

I have lost soap many times from the manufactory, it is in Goodman's-yard, Minories; the prisoner was a servant of mine, he worked in the manufactory. I set a servant to watch the prisoner.

THOMAS PARRY sworn.

I work for Mr. Russell, I found this soap under the manger in the stable, and shewed it to my master, it was about twelve o'clock last Monday week; there was straw over it. Master told me to put it there again, which I did; he told me to watch, I did so: this man came into the stable about five o'clock. He was going out of the gate, after doing up his horse, I stopped him, and he took it out of his pocket. I sent for our clerk, the prisoner took a cake out of his pocket, he delivered it to the clerk; the clerk gave it him back again, and then the officer came, and took him into custody. After the prisoner left the stable I went to look if there was any soap missing from the manger, it was gone.

ROBERT BRETCLIFFE sworn.

I am a headborough, I was sent for to take charge of the prisoner; he was accused by Mr. Russell's clerk of stealing soap, I took him to the watch-house, I searched him, and found 10lb. of soap in his breeches; I went to his lodgings, and found 12½lb. of soap. I do not in my own

knowledge know that it was the prisoner's apartment, but he told me it was, and so did Mrs. Beard, his landlady; the soap was in a closet in his room. The soap now produced is the same which I took out of his breeches; he had a pair of trowsers over his breeches, there might be some in a side pocket.

Parry. I cannot say.

RICHARD MANSFIELD sworn.

I am an officer at Whitechapel, I searched the prisoner; he took two pieces out of his side pocket; he said he had no more, but I took more from his breeches. This is the soap I took from the prisoner.

Prosecutor. I believe the soap to be mine, the quantity is too great to be missed, but having found this hid, it created a suspicion.

PRISONER'S DEFENCE.

I have nothing to say, but to beg the mercy of the Court and Jury.

The prisoner called three witnesses, who gave him a very good character.

GUILTY, (Aged 59.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

429. **ELIZABETH POWELL** was indicted for feloniously making an assault upon Cornelius Courtney, on the king's highway, putting him in fear, and taking from his person and against his will a silver watch, value 20s. a linen handkerchief, value 1s. and three pieces of silver coin, called shillings.

CORNELIUS COURTNEY sworn.

I am a gardener; on Sunday, the 16th, I was going up Hedge-lane, I was accosted by the prisoner at the bar; she put her hand into mine, and asked for some gin; I refused

refused, she walked by my side, she felt about my pockets, and took my watch; two more came up and hustled me; I got hold of the chain and key; they then struck me, the prisoner at the bar struck me on the nose, which bled; she held me, and was on my right hand-side, she was close to me, her left hand was to my right hand. I had still hold of my watch chain, we had a struggle, she broke the watch away from the chain, I had my hand upon it in my pocket or fob, and she pulled my hand out, in which I held the watch: the watch separated from the chain at the swivel by which it hung to the chain; she did not take the chain. The constable has the watch. I lost three shillings; the constable came up, I discovered I had lost my handkerchief, he secured her. I believe the watch was found upon her, it was in the evening.

——— *WAITS sworn.*

I was constable last year, I was sent for about eight o'clock, when I came up the prosecutor said he had been robbed; I was going to take her to the watch-house, when I moved her I found the watch lying on the ground. I could not see it till I moved her. The prosecutor said I have been robbed; I desired him to wipe his face, it was bloody. My nephew said, here is the watch, uncle.

PRISONER'S DEFENCE.

On Sunday evening as I was coming up Hedge-lane, with tobacco in my hand, this gentleman was calling out watch, and said he had lost his watch. The constable's nephew found the watch. The man put his hand into my bosom, and seized me, he said I was the person who robbed him.

(The watch produced, and deposed to.)

GUILTY, Death.

(Aged 27.)

Tried by the first Middlesex Jury before

Mr. RECORDER.

436. **SAMUEL BROMLEY** was indicted for the wilful murder of George Smith.

THOMAS BAYNE *sworn.*

I was at the Marquis of Granby, Piccadilly, with Smith, at twelve o'clock at night, he was a little *intoxicated*, I heard him abuse a young man, he struck a young man in the face without any provocation; he fell sick, and went out to puke at the door; the prisoner said, how can you be so dirty? then Smith followed him into the road, and struck Bromley. I took the deceased into the house, about four o'clock the prisoner came into the house to eat some bread and cheese, the deceased took up a shovel, and said d—n and b—st you, I will cut your bloody head; the prisoner then went and fetched a broom, with which he gave the unfortunate blow, it was a long hair broom.

JAMES POTTS *sworn.*

I am port-boy, the deceased was at our house the 18th of October, he used very bad words, and beat the prisoner; I did not see any blows pass, I was about my master's business, and did not mind.

MARY COOK *sworn.*

I am servant at the Marquis of Granby, I let the prisoner in, he quarrelled with one George, and struck him, he was in liquor. When George came in he called for a pint of beer. I did not see the prisoner strike him; about four o'clock the deceased went out of doors, and the waterman (the prisoner) said, what are you nasty for? the deceased was taken to the hospital.

Mr. GROVER *sworn.*

I am surgeon at the hospital, I received the deceased, the fracture was the cause of his death.

PRISONER'S DEFENCE:

The deceased abused and struck me several times; I said, Smith, I will not be struck and knocked about so; he would not desist, I turned my hand, laid hold of the broom,

broom, and gave him the unfortunate blow, God knows my heart did not mean to kill him.

GUILTY. Manslaughter.

Fined 15. and discharged.

Tryed by the first Middlesex Jury before Mr. Justice HEATH.

DAVID WHITE was indicted for assuming and personating the name and character of one Peter Berry, on board the Hannibal, in order to obtain his wages, with intent to defraud the king, against the Statute.

Mr. Gasrow opened the case, by saying that Mr. Fielding went into the case at large.

THOMAS STEPHEN *sworn.*

I am clerk in the Ticket-office in the Navy; his majesty's ship Hannibal appears in an entry which I have here, this was the 1st of March, 1780; Peter Berry entered in 1782, he was taken by the French.

JOHN DRUCE *sworn.*

I am also a clerk in the same office, the prisoner made three different applications to me, the first in September, and all in the same week, describing himself as Peter Berry, of the Hannibal, requesting to know what wages were due to him, and what had been paid, this was September. I told him the wages had been paid up to the time of the ship being taken, to Benjamin Roberts for Moses Hart. He found no fault, he did not deny making that power of attorney to Berry, the wages had been paid up to the time of the capture.

GEORGE UNWIN, Esq; *sworn.*

I was purser of the Hannibal, I was not on board at the time of the capture. The prisoner at the bar called upon me with another person, in September, between the 20th and 30th, and said his name was Peter

Berry, of the Hannibal, and begged me to give him a certificate. I told him I did not recollect him; he gave so minute a description of every person on board and of every circumstance, that I had no doubt of his being Peter Berry, although I did not recollect him, and he drew out a list from his pocket, containing one hundred and twenty names, and picked out sixteen or eighteen as being on board the Hannibal. I looked at my book and found him right; I gave him a certificate, being fully persuaded he was Peter Berry, and the East India Company give a sum of money to seamen, who have been captured in the East Indies; I gave him a certificate to the East India House, and I went with him to the East India House. I went to Mr. Bedingfield's office, and explained to his deputy the situation of the prisoner; Mr. Bedingfield told me, there was some kind of suspicion of this man. On the 29th of September he went to the Pay-Office to identify his person.

JOHN BEDINGFIELD, Esq; *sworn.*

On or about the 29th of September the prisoner came to me at the Pay-Office, and produced a certificate of Mr. Unwin's, the purser, that he belonged to the Hannibal; I sent for the pay-book, and found in 1787 his wages had been paid.

Unwin. I certified that Peter Berry belonged to the Hannibal, I could not certify he was the person.

Bedingfield. I found his wages had been paid to Moses Hart. I told the prisoner of it; I had my suspicions. I waited till I saw Brown. He stated that he went to Tranquebar, a Danish settlement, and came home in an East Indiaman to Ostend, I wrote to the Consul, and he sent to me that no such Indiaman had arrived; and they sent to me that Peter Berry was dead. I had him apprehended, and at Bow-street he acknowledged his name was David White; I wrote to the Master at the Pay-Office, says he, here is one of those unfortunate men who were taken by Tippoo Saib. The Master asked him his name; he said it was Peter Berry.

I must

I must likewise state that officially the prisoner need not to have applied to me to recover the wages due, it was no ways necessary.

Mr. Druce. The same observation applies to myself.

FRANCIS BROWN *sworn.*

I was a sailor on board the *Hannibal*, I knew Peter Berry, I was captured; me and Berry and the rest were five months on board one of the French ships, and then went to Bangalore; we were sent to another place, and from Bangalore to Seringapatam. The prisoner was captured much about the same time with Berry; he was in a prison with our officers as far as I can understand; I was in prison at Bangalore only one night; I saw Berry at Seringapatam, and after some time White was brought to the same prison at Seringapatam with Berry from Bangalore; but at another end of it. Berry died at Seringapatam in 1785, I saw him there dead; I came home in August, I made my escape from Seringapatam in 1790, and came home in 1791. Mr. Bedingfield got my wages to the time of my return. I saw the prisoner in September, I was at the Swan, I called him Capt. White; he turned round, and told me he did not know me; I made myself known to him, he knew me directly; then I went into the India-house; after that I saw Mr. Unwin come in, and he said Brown, here is your shipmate; I had not time to speak any more about it; I could not think who it was, but I saw him come in afterwards. After some little time had passed he came up to me, and stooped down, and told me not to mention his name. That was all that passed at that time; some little time after he came to me, and asked me if I would go to the Swan, and have any thing to drink, that was about three quarters of an hour after: we went into the Swan, and then he told me what he was upon; he told me that he was come to the India-house to get what gratuity money was given there, and afterwards he meant to go to Somerset-place, to receive Peter Berry's wages there;

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and I told him that I could not go there, for I had marked the man dead, and took an affidavit of it. He told me he had a certificate from the Purser, and that he had friends, and was not afraid of obtaining the money. He got rather vexed and he wanted me to assist him in it; I told him I could not; he said I had no business to make an affidavit; I told him I was asked to do it; he said, with a laugh, if you betray me I will cut your throat.

You knew Berry very well?—Very well.

This man was not on board the *Hannibal*?—No.

Mr. Garrow. Was you a seaman on board the *Hannibal*?—Yes.

THOMAS PARSONS *sworn.*

Did you know Peter Berry?—Yes, perfectly well; he was carpenter's mate.

Look at the prisoner.—That is not him, I have seen him in India, he was taken in a country vessel, he was marched up the country with our officers to Bangalore, I knew him there by the name of Capt. White, I cannot say his christian name; I was marched from Bangalore to a place called Bonuckpoor; Berry went with us to Bonuckpoor, and was taken out, I do not know where he went.

CHARLES JEALOUS *sworn.*

I searched the prisoner, I found this paper in his coat pocket.

Unwin. This was the paper he produced to me.

(The paper read:)

“Captain David White, commander of the ship *Nelly*, from Bengal, burthen 460 tons, taken by the French in 1782, and sent to Hyder, June 6.”

PRISONER'S DEFENCE.

This Peter Berry was a mess-mate of mine; he was taken sick, and before he died, he gave me a written order to receive his wages in England, and gave me an account to whom he gave his power of attorney;

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torney;

torney ; he told me to come for his money and get it ; but when I found that Brown had marked the man dead, I gave myself no more trouble about it ; and in four or five days I was taken up and committed to New Prison.

Court to Beddingfield. What wages might be due to Berry ?—About 120l.

GUILTY, Death.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

432. JOSEPH KINGLAND and JOHN WELLS were indicted for feloniously making an assault on the King's highway, on Andrew Knox, on the 3d of September last, and putting him in fear, and feloniously taking from his person, and against his will, eleven guineas and ten shillings in monies numbered, his property.

ANDREW KNOX *sworn.*

I am a taylor ; my house is at Pinner ; our business is carried on in Poland-street. I was robbed the 3d of September, between six and seven, before sun-set ; I was in company with Mr. Wilson, my partner ; we were stopped in the middle of Harrow Weald Common, by two highway-men, without any crape or covering ; they took from me eleven guineas and about ten shillings in silver, and a silk purse ; I took particular notice of Wells ; I suppose they were with us a minute and an half ; I observed them twenty yards off ; they were on the common ; I was on the high road ; I can perfectly swear to Wells ; I have not the smallest doubt ; I saw Wells three weeks after ; I did not positively swear to them ; it was a sort of false delicacy ; but I had no doubt.

What sort of delicacy ?—I thought that it would be the means of taking away a man's life ; but on considering farther, I thought it an act of justice I owed to the public ; the prisoners were committed ; Mr. Wilson swore to the other prisoner.

You say still you are positive now, and were positive at that time, when you saw him before the Justice, that he was the person that robbed you ; though you did not chuse, on account of this sort of false delicacy, to swear to him ?—Yes.

Mr. Hosty, Prisoner's Counsel. From what circumstances can you take upon you, in so short a time as one minute and an half, to swear to the prisoner ?—His face is very particular ; I kept my eyes particularly on his face ; he had a round hat, no great coat, and came up with a pistol cocked to my side, and demanded my money ; I gave them my money ; Wells demanded my pocket-book and watch ; I told him I had none ; he said by God I had ; and he clapped his hand on my thigh, and seemed satisfied ; he bid me go on, and not look back ; if I did, he would shoot me ; I do not swear to Kingland ; I never saw my purse afterwards.

Was you agitated ?—I cannot say I was.

WILLIAM WILSON *sworn.*

I was present with Mr. Knox when he was robbed. I saw the two prisoners come down the road from Harrow, three or four minutes before they attacked us ; it rained very hard ; I observed the prisoner Kingland at the time of the robbery ; he was on my side ; I have not the smallest doubt of it ; I swore to him at the time ; I was certainly in some agitation ; I knew I should be robbed, and intended to give him my money ; I have no doubt now ; it was half after six ; it was about sun-set ; I swore to him the first time I saw him at Bow-street.

WILLIAM FULLER *sworn.*

I live waiter at the King's Head at Stanmore. I think, on the 3d of September, three men on horseback came and called for the brandy bottle, about half past six, as nigh as I recollect ; it was on a Saturday, as nigh as I recollect, the 3d of September.

Mr. Knox. Stanmore is from Harrow Weald Common, about a mile and three quarters.

Fuller.

Fuller. I believe the prisoners to be two of the men; I took particular notice at the time; and from the best of my recollection, I think they are the men; I looked at them particularly, as they came in that sort of hurry; they went up the hill, towards Watford; Mr. Foster of Harrow, was in the bar; and he came out and said, Will, these are three *scamps*; by that I understood highway-men; they came the Pinner road from Harrow Weald Common, and went up the Watford road.

Prisoners. We leave it to our counsel.

The prisoner Wells called one witness to his character.

JOSEPH KINGLAND, (Aged 21.)	} GUILTY, Death.
JOHN WELLS, -	
(Aged 19.)	

Prosecutor. As the prisoners did not use any kind of brutality or inhumanity, I beg to recommend them to his Majesty's mercy.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

433. JOHN CHILTON and WILLIAM MAYLIN were indicted for feloniously assaulting George Hayes, on the King's highway, on the 22d of October, putting him in fear, and feloniously taking from his person, and against his will, three guineas, his monies.

(The witnesses examined separate.)

GEORGE HAYES (a black) *sworn.*

I am a cook on board a West Indiaman. I was robbed last Saturday, the 22d of October, betwixt twelve and one at night, at Saltpetre-bank; I was going to Denmark-street, Ratcliffe Highway; I came from the ship from Deptford; I was alone; I came through Rosemary-lane, and three men stopped me; I know two of them; (there is the man, one, and there is the other);

they took me by the collar, and dragged me to Salt-petre-bank, and robbed me under the lamp, of three guineas; I saw them two or three yards from me; it was a dark night; but I took notice of them under the lamp; I am sure they are two of the men; I never saw them before; they were taken in three hours after; I gave a description to my landlord, and he carried me to the officer; they used no other violence than dragging me there; I should know the other if I saw him.

Prisoner. He swore to another man before?—No, only those two; I never got my money again.

JOHN WILSON *sworn.*

I am a watchman in Welclove-square. Between twelve and one this man came crying to me, and said he was robbed of three guineas by three men; and he said two held him while the other picked his pocket; I took him to the watch-house.

JOHN COOK *sworn.*

I am headborough. On Saturday night, between one and two, I was alarmed, and went to the watch-house; the prosecutor said he had been robbed of three guineas, and should know the men; we first took Chilton at the Windmill; the prosecutor said he was one; then I went and apprehended the other, knowing they associated together, at his lodgings, on Saltpetre-bank; there were several other people in the house; and he gave me the beckon, and said that was one; and when the other man was taken, he said that was the other; there was a third taken, but he would not swear positively to him; I searched the prisoners, but found nothing.

PRISONER CHILTON'S DEFENCE.

Between five and six in the morning, I went into the Windmill and called for a pint of purl and halfpennyworth of gin, I was going on board of ship, and the officer came in, and brought in the prosecutor, and asked him if I was the man? he said nothing;

thing; they took him out again, and they brought him in again, and said they must have me for a robbery; they searched me, and only found a penny. They have been feeding that man, and giving him meat and drink for swearing our lives away.

PRISONER MAYLIN'S DEFENCE.

I say the same.

Prisoner Chilton. He came to me when I was in the lock-up-room, and said, Chilton, had not you better save your own life? we were in the ale-house from that time till about a quarter of an hour of the time that they took us.

Court to Prosecutor. How were the men dressed that robbed you?—In short jackets, the same condition they are in now.

Court to Cook. When Chilton was taken, he says, Hayes did not know him at first?—Hayes gave me the beckon, and I went to the door with him, and asked him if he knew any body there? and he said that is one of the men; I said consider; he said he was sure.

JOHN CHILTON, }
WILLIAM MAYLIN, } GUILTY, Death.

When you took up Chilton, you knew immediately where to find Maylin, what has been their occupation?—They go to sea at times, but they have been home some time now, since the disturbance has been broke up.

Have you ever had any occasion to know them in your way before?—Yes, I have.

Both of them?—Yes, Chilton has been tried before.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

434. MARGARET LOCKWOOD was indicted for stealing, on the 28th of September, three linen window curtains, value 5s. a pair of cotton stockings, value 2s. two sheets, value 5s. a muslin apron, value 5s. a cloth ditto, value 2s. a linsey

ditto, and a muslin handkerchief, value 4s. two linen ditto, value 4s. and two cotton bed gowns, value 4s. the property of Lucy Alderman.

LUCY ALDERMAN *sworn.*

I live in East Smithfield, I sell things in the street; I was robbed the 28th of September, of the things in the indictment; they were in my house, I had just sprinkled them down; I was not gone ten minutes, I left her and the things together. When I returned they were gone, and the prisoner; I took in the prisoner the Sunday before as a stranger, and this was Friday, it was all my clothes; she was taken that day week, she owned only to one apron and an handkerchief.

MOSES BENJAMIN *sworn.*

I took the prisoner into custody on the day week after the robbery; she had nothing about her, she said she took nothing but an apron and a handkerchief, and had lost them.

PRISONER'S DEFENCE.

The house is an open house for every body to come in, loose men and loose women; the things were gone while I went of an errand.

GUILTY.

Fined 1s. and imprisoned six months in the house of correction.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

435. JOHN ELLINGHAM was indicted for stealing, on the 17th of October, a man's toillet waistcoat, value 5s. the property of William Acres.

WILLIAM ACRES *sworn.*

I am a carpenter by trade, I lost a toillet waistcoat, the 17th of October, from my lodgings; I saw it there the evening before,
I did

I did not miss it till the evening, when I came home to bed; I accused the prisoner of it, and he owned it; he lodged with me, he staid one night after; I said nothing to him to induce him to confess. The duplicate was found in his pocket, I was present.

(Produced and deposed to.)

JAMES CRAMP LOWE *sworn.*

My father is a pawnbroker, the prisoner pledged this waistcoat with my father.

PRISONER'S DEFENCE.

I told him of it, and he said I might.

GUILTY.

To be publicly whipped, and imprisoned six months in the house of correction.

Tried by the second Middlesex Jury before
Mr. Baron HOTHAM.

436. **RICHARD COLLIER** was indicted for stealing, on the 7th of October last, twenty-two pounds of bacon, value 5s. the goods of Elizabeth Langhorne, widow.

JAMES HURRELL *sworn.*

I am servant to Mrs. Langhorne, the 4th of October she lost twenty-two pounds of bacon, it was Tuesday, half past seven o'clock; I was standing at the door, and I saw two men lurking about the window; I went over the way, I saw the prisoner go into the shop, and take two hocks of bacon. I went after him, and cried stop thief! Mr. Wiffin stopped him, the prisoner tumbled down, he dropped the bacon before that; I picked up the bacon; I never lost sight of him. Jacob Lodge has kept the bacon ever since.

WIFFIN *sworn.*

I was going down Bartholomew lane, the 4th of October, I heard the cry of stop thief; I saw the prisoner, he was walking down the lane, I took him; I saw the two

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hocks of bacon fall from him; he ran against Smart, and he fell down.

JOSEPH SMART *sworn.*

The prisoner was running in the lane, I crossed to stop him, and he kicked up my heels; I got up and pursued the prisoner.

(The bacon produced, and deposed to.)

PRISONER'S DEFENCE.

Please you, my Lord, I was coming from work; I saw a man take the bacon, in running him I shoved this man down. Please you, my Lord, I served my seven years, and worked hard for my bread.

GUILTY. (Aged 22.)

Whipped, and imprisoned three months.

Tried by the London Jury before
Mr. Recorder.

337. **WILLIAM CHAMBERLAYNE** was indicted for stealing forty pounds weight of type, made of mixed metal, value 40s. the property of James Andrews, the elder, and James Andrews, the younger, in their dwelling-house.

JAMES ANDREWS, the younger, *sworn.*

The prisoner was a journeyman to my father a fortnight; the 26th of October, in the evening, half past seven, he went out of the room where he was at work into a passage, I saw him through a hole in the door take some letter, and put into his pocket, some of the cases for the letter lay in the passage; he left work at eight, he went down stairs, I went before him; I stopped him, he was going out; he denied having any of the property about him; I sent for a constable, and searched him; he took out of his coat six pounds weight, he was sent to the Compter. We found some at an old iron shop, which he said he had sold the preceding day. I went the next day to the old

M iron

iron shop, where I found near two hundred weight; this was found by his direction in the house of William Stevens. I could not swear positively to the type; there was some of the type which we found at the iron shop did not all belong to us; the value of what I saw him take is 6s.

WILLIAM STEVENS *sworn.*

Mr. Andrews came to me on Thursday, he brought a sample of types, he asked me if I had ever bought any of that kind? I said yes; I shewed them all I had, about two hundred weight. I bought of the prisoner; he said they were his perquisites as the sweepings of the shop. I am not a judge of them, I looked upon them as old lead; I gave 1d. per lb.

CHARLES FREER *sworn.*

I produce 6lb. weight of letter which I took out of the prisoner's pocket, and some that I took out of a bag.

Prosecutor. He only worked a fortnight with us.

PRISONER'S DEFENCE.

I know nothing at all of those in the bag, those which were found in my pocket I took from necessity, and I am very sorry for it.

GUILTY, Of stealing to the value of 6s.
(Aged 34.)

Transported for seven years.

Tried by the first Middlesex Jury before
Mr. RECORDER.

438. **DAVID FRIGHT** was indicted for stealing, on the 15th of October, thirty-six china cups, value 27s. and thirty-six china saucers, value 27s. the property of Miles Mason.

And **MARGARET**, the wife of **THOMAS ALLEN**, was indicted for feloniously receiving, on the 16th of October, the same goods, knowing them to have been stolen.

(The case opened by Mr. Garrow.)

MILES MASON *sworn.*

I am a china merchant, on the 19th of this instant Mr. William Hewson gave me some information.

Mr. HEWSON *sworn.*

I am in the china trade, I received some cups and saucers of T. Dobson, sen.

THOMAS DOBSON, junior. *sworn.*

I received some cups and saucers from the prisoner Allen, she brought some to my master's, Mr. Cotrell, in Shoe-lane, to sell; I asked her if she had any to sell me? she said if I would come to her on Sunday morning she would sell me some. I went and bought some breakfasting tea cups and saucers, gave 4s. 6d. for the tea and 5s. for the breakfast; I delivered them to my father.

Prosecutor. About twelve o'clock I went to Guildhall, from thence to Allen's house, I asked if she had any china to sell? she hesitated a little at first, she said she had some patterns; she shewed me some; she went with me to the Poultry Compter, and she pointed out Fright, and said this is the man who sold me the china, that was Fright. The goods were in the possession of Lawrance and Clark. I have been a very great sufferer, I have lost from 300l. to 500l. The prisoner did not lodge in my house. He packs.

JOHN CLARK *sworn.*

I am a marshallman.

(*Prosecutor* deposes to some broken china produced by Clark.)

THOMAS LAWRENCE *sworn.*

I am a marshallman, I received this basket from Mr. Hewson.

Prosecutor. This is my property.

ELLIOT *sworn.*

I am clerk to Mr. Mason.

Mr. Hewson. I bought a single lot of the same pattern. It is all gone into the country.

Elliott.

Elliott. I know that article, I had some conversation with the prisoner in the Compter, Mr. Wynn was with me. I asked him if any person had any of the goods except Allen? He told him he was in a bad situation; neither I or Mr. Wynn made him any promises.

Mr. WYNN sworn.

He said he had taken but few; he said Mrs. Allen knew they were stolen.

SARAH JARVIS sworn.

I was servant to Mrs. Allen, I have seen the prisoner Fright two or three times with my mistress. I know nothing about the china, I cannot tell any more.

PRISONER FRIGHT'S DEFENCE.

I never told this woman any china, this is my working dress, and if any body can suppose that I could take six cups and saucers out of the house I am willing to suffer the law.

PRISONER ALLEN'S DEFENCE.

I never bought any china of this man, I bought them of a Jew.

JOHN MORRIS sworn.

He lodged with me three years ago, I never knew any thing amiss of him, far from it.

SUSANNAH LAWRENCE sworn.

He bears a good character.

JOHN BARNES sworn.

I have known him five years. He bears a very good character.

JAMES RANDALL sworn.

I have known him thirty years, he bears a very good character.

Mrs. HIBBERT sworn.

He is a very honest man, I have known him some time.

PETER CLONEY sworn.

I bought some earthen ware for her, she is a very fair, very honest dealing woman.

ELIZABETH DUNN sworn.

I have known her six years, she is, I believe, just and honest.

MARY ROZEL sworn.

She is, as far as I know, very honest.

PATRICK LARKIN sworn.

She always has borne a good character, she is a just and fair dealing woman.

JOHN CHRISTIE sworn.

She always has borne a good character, I have known her twelve years.

SAMUEL WALTON sworn.

I am a salesman in Fleet-market; she always bore a good character, I have trusted her, and am willing to give her any credit again.

DAVID FRIGHT, GUILTY.

Transported for seven years.

MARGARET ALLEN, GUILTY.

Transported for fourteen years.

Tried by the London Jury before

Mr. Justice HEATH.

439. **EDWARD WRIGHT** was indicted for stealing, on the 17th of October, two iron buckles, plated with silver, value 3s. the goods of John Davis.

JOHN DAVIS sworn.

I sell buckles, I live in Leadenhall-street.

THOMAS BACON sworn.

I was going past, and looking in at the window I saw the prisoner take a pair of buckles, and put under a bag; he took them out of the window, they were two odd buckles; I took him to Mr. Davis's other shop; there was a young woman in the shop serving him. I produce the buckles.

Prosecutor. I know them to be my buckles.

PRISONER'S

PRISONER'S DEFENCE.

I am a sawyer; I broke my arm some time ago, I deal in Rag-fair; my master gave me a pair of shoes, so having a shilling or two, I went to buy a pair; we could not agree, I laid my bag down, the buckles were under the bag; I do not know how they came there. I did not intend to steal them.

GUILTY. Whipped.

*Tried by the London Jury before
Mr. Baron HOTHAM.*

JOHN HANNAKIN and **JAMES HUGHES** were indicted for stealing on the 7th of October, one silk pocket handkerchief, value 2s. the property of John Inghose.

Joshua Green, a constable, saw the prisoner Hannakin take the handkerchief out of the prosecutor's pocket, and saw it afterwards in the hands of Hughes.

**PRISONER HANNAKIN'S
DEFENCE.**

The handkerchief is marked with my

mark, and here is another marked the same. I have a character down in the yard.

The prisoner called two witnesses to his character.

BOTH GUILTY.

Privately whipped, and imprisoned six months.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

JOHN SMITH was indicted for stealing, on the 24th of October, a leather portmanteau, six pair of silk stockings, ten pair of thread stockings, and five pair of cotton stockings, value 20s, the property of Samuel Lellis, John Ashton, and others.

The prisoner was seen with the portmanteau on his shoulders, and immediately taken into custody.

GUILTY.

Transported for seven years.

*Tried by the London Jury before
Mr. COMMON SERJEANT.*

The next Part will be published in a few Days.

I was going past, and looking in at the window I saw the prisoner take a bag of buckles, and put under a bag; he took them out of the window, they were two odd buckles; I took him to Mr. Davis's other shop; there was a young woman in the shop leaving him; I produced the buckles.

PRISONER'S

JAMES RANDALL was indicted for stealing, on the 1st of October, a leather portmanteau, six pair of silk stockings, ten pair of thread stockings, and five pair of cotton stockings, value 20s, the property of Samuel Lellis, John Ashton, and others.

The prisoner was seen with the portmanteau on his shoulders, and immediately taken into custody.

PETER CLOONEY was indicted for stealing, on the 1st of October, a leather portmanteau, six pair of silk stockings, ten pair of thread stockings, and five pair of cotton stockings, value 20s, the property of Samuel Lellis, John Ashton, and others.

THE
TRIALS AT LARGE
OF THE
CAPITAL and other CONVICTS,

ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,

HELD AT
JUSTICE HALL in the OLD BAILEY,

On Wednesday, the 26th of OCTOBER, 1791, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Honourable John Boydell,
LORD MAYOR OF THE CITY OF LONDON,

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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Pater-noster Row.

M D C C XCI.

THE TRIALS AT LARGE,

OF THE
CAPITAL and other CONVICTS,

ON THE
KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

MISDEMEANORS.

442. **JOHN SULLIVAN** was indicted for putting off a bad shilling, with intent to defraud William Plasket.

A second count for putting off a bad half crown, with the like intention.

(Mr. Fielding opened and stated the case.)

WILLIAM PLASKET sworn.

I keep the Golden Ball, in Cow-lane, on Thursday, the 22d of September, soon after dinner, between two and three, the prisoner called for a glass of gin, and wanted change for a shilling; the maid served him, I was present, I gave him change, and received the shilling, I cannot say whether I had the shilling from him or my maid; she was not out of the bar, I was particular in looking him good halfpence, he was not nice; as soon as I gave him change he called for a pint of beer, he had it. My wife asked me if it was a good shilling, while I examined it the prisoner went out, it was a crooked one, I found it to be a very bad one, it was the same shilling the prisoner gave me, I have no doubt, I put

the shilling in my pocket, I kept the shilling in my pocket with two or three others, but I made sufficient observation to know it again.

Mr. Hofty, Prisoner's Counsel. Did you put any particular mark on the shilling so as to know it again?—Yes, I cut it on the edge?

ANN PLASKET sworn.

I was present on the 22d, I saw the prisoner tender the shilling; and have a glass of gin, he called for a pint of beer, but before it was drawn he went out; he returned in about ten minutes; I then asked my husband if he had examined the shilling? on his return he called for a glass of gin and bitters, he laid down half a crown, I looked at it, I tried it with aqua fortis, he tendered me a shilling, that was also bad; I called my husband, I asked him to look at the shilling he had taken before. I asked him what he had done with the change which he received of us for a bad shilling? he said he had been among a pack of whores. The constable was called, who took him into custody.

Mrs.

Mrs. Plasket. I delivered it to the constable. I saw the shilling marked.

The constable, *Thomas Frith*, produced the money. This money I received from *Mrs. Plasket*.

Mrs. Plasket. This is the money I received from the prisoner.

Mr. Plasket deposed to the same effect: I marked the money before I put it in my pocket, I was convinced it was a bad shilling before the prisoner returned.

ARTHUR WILLIAMS sworn.

I am a moneyer of the Mint, the two shillings and the halfcrown are bad, the shillings are worth about three halfpence, the halfcrown two-pence halfpenny.

The prisoner called three witnesses, who gave him a good character.

GUILTY, of the first count.

Imprisoned six months in Newgate, and to find security for six months afterwards.

Tried by the London Jury before

Mr. RECORDER.

443. **JOHN OLIVIER** was indicted, for that he, on the 9th of April last, unlawfully, wickedly and maliciously did cause to be written a certain defamatory libel, concerning one *Grace Timmins*.

(The ladies were desired to withdraw.)

The case was opened by *Mr. Garrow*, as follows:—

May it please your Lordship, Gentlemen of the Jury, you have collected from the officer, and from my learned friend who opened the indictment, that the defendant, who is now charged before you to enquire of his guilt, has it imputed to him, that he has written and published an infamous and obscene libel: the defendant stands near you, and, gentlemen, if you have been

in the habit of attending Courts of Criminal Jurisdiction, you will find there are some circumstances in this, which do not belong to ordinary trials at this place; and, therefore, we have been under the necessity, in order to preserve any, at the least, attention to delicacy and decorum, to desire the female sex may retire; and we have been under the necessity of desiring that the offence may not be stated even among men in the terms of this libel; we have done this, because a more infamous, a more disgraceful collection of obscene words never met together in so small a compass. It may be asked, if this is the description of the libel, why is it brought forward into the view of the public, and why is the defendant brought here to answer for it? I reply, for this plain and obvious reason, because, if young men, like the defendant, are to be permitted to insult the retirement of the female sex, to write their poison to the wives and daughters of their neighbours, and to intrude themselves on the privacy of decent families, there is an end to all the decorum, and to all the morals of the public; and, therefore, however painful it may be to those who are obliged to stand forwards to produce such filth as this, it is indispensibly necessary, in order that any of us may have decorum, decency, and peace of society preserved inviolable, and that we may live in a state superior to that of beasts, it is necessary that cases like this should be brought before Courts of justice; it will be my endeavour to do my part within the line prescribed by the decorum and the decency which belong to this place, in which I stand. Gentlemen, the situation of the parties is this:—The prosecutrix, *Mrs. Timmins*, is related, by the intercourses of marriage, with that young man at the bar, and it seems that some of the family have had unfortunate disputes leading to a divorce, whether the conduct of this Lady has given well or ill-founded offence, is not necessary to enquire; but he has taken the liberty of writing this which I have in my hand—you will be obliged to cast your eyes upon it—the Court must look at it—I know who I have to deal with on the

the other side.—I know there is no man who has so high a regard, I say so high a regard for the better part of our species than my learned friend, Mr. Fielding; therefore, I take it for granted, we shall have no public exhibition of it; and that those who are waiting to hear it, will be disappointed; but, Gentlemen, the Court and you will judge what sort of composition it is; this letter was written, as I shall prove to you, by the young man at the bar, and sent by the post to the prosecutrix, Mrs. Timmins; now it occurs to you, to ask how anybody should behave on such a subject; when you see something written in the street that offends your eye, you take no notice of it; but this came by the post, therefore this Lady comes now to complain of it: the objects of inquiry will be two; first, was this written by the young man at the bar; and, next, was it sent, by the post, to the prosecutrix? With respect to that, it will be proved, by her, to have been received by her, with a post mark on it; with respect to the writing, I shall be under the necessity of calling to you several witnesses, who will be sorry to lend their assistance to convict their relation, their friend, and their partner; but I am told they are men of character, and I have no doubt, on the subject of hand-writing. You know it is not required that a witness should be present at the time—the paper was written, it is not required that he should prove it is the hand-writing of the defendant, because that is a thing that no man can venture to do, unless he was present at the time, and knows the fact by some mark of his own; all that is required, is, that he believes this to be his hand-writing; therefore the labour upon me is extremely easy, and very short. I shall produce the paper, and shall put it into the hands of those acquainted with the hand-writing of the defendant, and they will tell you that it is his, and then you will pronounce him guilty: The degree of punishment must rest with the Court. These are times in which it is clearly necessary that this sort of offence should be marked by a punishment pronounced upon it; we have

seen Royal Proclamations filed by the Attorney General, which have been unavailing to suppress the public sale, distribution and dispersion, of the most infamous and obscene libel; we have seen the windows of the metropolis crowded with the most infamous and diabolical prints; such as no man, of common decency, can look at without shuddering with horror, such as no modest woman can venture to put her eyes upon. When people have the hardiness to avail themselves of the appetite of the public; I have said more, I am sure, than is necessary; more, I am sure, to impress you with the importance of the subject, a great deal more than can be necessary to excite the Court to lend it their best attention and assistance. I hope this young man will be made an example to others, not to sport at once, with the relationship he owes to the other sex, and, with all the principles of decency, public morality, and decorum.

GRACE TIMMINS *sworn.*

I am a widow.

Did you receive that letter by the post?—

I did.

Mr. Fielding. Mr. Olivier is related to you by marriage, your son married his sister?—Yes.

How long ago did the marriage take place?—Three years next February.

The young couple did not live with you, I presume?—No, Sir.

You carry on a business to yourself?—Yes.

They did not live comfortably together, and were separated?—Yes.

There is a suit now depending in the Commons for a divorce. Have you had any connection at all with Mr. Olivier?—No more than his living with my son, as a servant, who was in the silk line.

Had you any kind of quarrel with him?—Never in my life.

How long ago is it since you received this letter?—In April last.

Had you, Madam, in the opportunities you had of seeing this young man frequently,

ly, the opportunities of seeing him write?—I never saw him write.

When you received this letter, by the post, I apprehend you did not suppose it came from him?—I did not know from whom it came.

This young man has never behaved with any rudeness, or incivility to you?—He has behaved not so polite as I should have thought a gentleman should have done at my son's.

How long is it since the first disagreement took place between the young couple?—Some time about January last; they have lived separate ever since that time.

Pray, as you know of this suit instituted in the Commons, by your son, perhaps you may know there is a recrimination there on her part?

Mr. Garrow. I object to that.

DANIEL TIMMINS sworn.

I am son-in-law to the last witness. I am acquainted with the defendant exceedingly well; he was employed in the weaving line nine or ten months; his father-in-law was in partnership with us; I was well acquainted with his hand-writing.

Upon your mother's receiving this letter, did you make any application to the defendant on the subject?—Yes.

Did you know whose hand-writing it was on looking at the superscription?—I took it to be the defendant's.

Upon the letter being opened did you take the contents to be the same hand-writing?—Yes, I went to the defendant, and I said to him, how could you be so foolish to send such a letter as this to my mother? (Producing the letter,) he said, *is it not true?*

Mr. Garrow to Jury. There is an insinuation that this woman every night or every hour committed fornication?—I said to him you know it is not, and how could you be so foolish as to do it. I told him afterwards I was sure it was his, and that he had much better go and ask her pardon for sending such a thing; he said, I might go and give his compliments to her, and she

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might do her worst. Upon which I bid him good morning.

Look at that letter; from your acquaintance with the character of his hand-writing in five years, have you the least doubt in the world that that is his hand-writing, independent of his own confession?—I have not, I knew the first letter; that letter is quite nonsense, there is no making head nor tail of it.

Mr. Knowlys. You are a little related to the defendant, are not you?—I married his sister.

There is some dispute I believe between you and his sister in the Commons?—There is.

You have been a little anxious about that?

Mr. Garrow. I must once more ask whether the private history of a man's life is to be brought into question?

Mr. Knowlys. Have you never held any conversation with the defendant in that suit?—Not to my knowledge, I do not recollect; I might.

Have you never held any conversation relative to that suit, in which this business of the libel has been afloat, since it began?—No, Sir.

Did he ever expressly acknowledge that was his hand-writing?—He did not say it was his hand-writing, only by his manner of expressing himself.

What expression did he make?—He said, *is it not true?* I took the letter out of my pocket, I went to pay some rent, and to speak to his father about it; he was not at home, and young Olivier took the money.

You told the defendant that you was sure it was his hand-writing?—Yes.

Now upon your oath did he ever say it was?—All the words as I have related before.

Do you mean to say that that is in his usual common hand-writing?—It is in his usual scrawl, not as if he sat down to write any thing.

In the manner he does write in his common way; if he had written any thing else

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in the same manner, would you think it was his hand-writing?—I should.

How often have you seen him write?—A great many times.

This was in the beginning of April?—It was; it was about the middle.

You told a number of people of this?—No, I asked two; I asked Mr. Bassett for one.

Did not Mr. Bassett tell you, it was not his own hand-writing?

Mr. Garrow objected to the question, which was over-ruled by the Court.

Mr. Knowlys. I think you told me that you did ask two gentlemen their opinions?—Yes.

I want to know of you the names of those two gentlemen?—Mr. Bassett and Mr. Ellis. Mr. Ellis is here, he was our late foreman; he happened to come up into the warehouse, and I believe I shewed it to him, I shewed him the letter, because he seemed to understand something about it; he came to enquire how the disturbance went on; he said he had heard something fresh.

Where did you see Mr. Ellis?—He came into my warehouse.

Why did you shew it to Mr. Bassett?—Bassett came into the warehouse, I believe I asked whether Hewitt was at home.

Did you ask him whether that letter was the writing of the defendant?—I believe I did, I cannot charge my memory. Some days after Mr. Olivier met me, and said I have heard nothing. Says I, that is nothing to me. Says he, you cannot do any thing to me for it.

Mr. Garrow. Did you shew this to any body, from the least doubt of its being his hand-writing?—Not the least, I have no doubt to this time.

As far as any man can swear to a hand-writing, you are positive?—Yes.

Mr. Garrow. Now I must trouble the gentlemen of the jury to read the letter; I shall not have it read publicly, but it is highly proper you should read it.

Mr. Fielding addressed the jury on the part of the defendant.

WILLIAM BASSETT *sworn*.

Mr. Knowlys. Do you know the defendant, Mr. Olivier?—Yes, ever since he was a child.

Have you been acquainted with his character of hand-writing?—Yes, ever since he went to school, I have had it backwards and forwards in my hand.

I believe Mr. Timmins shewed you this letter?—He shewed me a letter.

Is that the letter?—To the best of my knowledge it is.

It is rather a particular letter, did you give him your opinion of the hand-writing at the time?—I gave him my opinion at the time that it was not, to the best of my knowledge.

Now upon your oath, having known his hand-writing, do you believe that to be his hand-writing?—No, I do not.

Is he a good natured lad?—The young man always appeared whenever I have been with him, which was more or less every day, to be a good-natured mild kind of a lad.

Is he a moral lad?—Yes.

Mr. Garrow. I presume you are porter to Mr. Hewitt and Mr. Olivier's connexions?—Yes, formerly to the connexion which included Mr. Hewitt and Mr. Timmins, there has been some little difference.

It is not at all like your young master's hand-writing?—Not the least.

Look at it, it is not at all like any writing of his that you ever saw?—No, Sir, I cannot say I ever saw any like to this.

You do not think it bears the least resemblance to his hand-writing?—Not the least in the world.

You are astonished that any body should fancy it is like his writing?—Yes, I am.

Mr. Knowlys. It is not on account of any disagreement that you do not continue to be Mr. Timmins's porter?—No.

It is only on account of the inconvenient distance to which Mr. Timmins is removed?—Yes.

PETER.

PETER BUZEVILLE *sworn.*

I have known the defendant all his life, and for twelve or fourteen months past have particularly observed his hand-writing; I have never seen his writing before, but as a school-boy. This letter does not appear to me to be his hand-writing.

Mr. Garrow. Does it bear any the least similitude to his hand-writing?—I cannot say; one writing bears a similitude to another.

Therefore that bears a similitude to his writing?—It bears a similitude to writing.

Upon the oath you have taken, it does not bear any similitude to the hand-writing of the defendant?—I say not.

Not the least?—I say not.

Take it in your hand, Sir; what did you mean by saying to me that to be sure it did bear a similitude, because writing bears a similitude to writing; you have seen this young gentleman writing in your books?—Yes.

Have you seen his common ordinary scrawl?—No.

Never seen his scrawl?—I do not know any scrawl.

There is a misunderstanding between the two families?—Yes.

And you are the partner with this young gentleman's father-in-law?—I am.

This young man is very useful to you?—He does his duty.

PETER HEWITT *sworn.*

I believe you are the father-in-law of this young man, the defendant?—Yes.

He is in your house?—Yes, I have known his hand-writing ten years.

Look at that letter, and give us your judgment whether it is your son-in-law's hand-writing or not?—Nothing like it, there is not one letter that is like it, I see his hand-writing constantly every day.

MICHAEL DUPREE *sworn.*

I live in Steward-street, Spitalfields, I know the young man, Olivier, I have been conversant with his hand-writing for two years ago.

From your memory of his hand-writing do you judge that to be his hand-writing?—I do not think it looks like his hand-writing at that time, and he never was very fond of writing.

Mr. Garrow. You have seen it before?—Never before this evening.

Look at it.—If I look at it for seven years I shall not know it better.

Mr. Garrow replied on the part of the prosecution, and the learned Judge summed up the evidence, when the jury immediately found the defendant

GUILTY.

Fined £1. and imprisoned three months in Newgate.

Tried by the London Jury before

Mr. RECORDER.

John Williams was called on his recognizance; and not appearing, his recognizance was ordered to be estreated.

Michael School's trial was removed by *certiorari.*

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The Trials being ended, the Court proceeded to give Judgment, as follows:

Received Sentence of Death, 18.

Carver, Benjamin	—	—	412	Miller, Edward	—	—	424
Clarke, George	—	—	410	Naun, Susanna	—	—	397
Chilton, John	—	—	433	Owens, John	—	—	400
Coleman, Benjamin, alias Coburne	—	—	408	Rainfley, Thomas	—	—	384
Davis, William, alias Robert Hudson	—	—	417	Roffiter, Thomas	—	—	424
Fletcher, James	—	—	414	Simms, William	—	—	413
Kingland, David	—	—	432	Simpson, James	—	—	406
Low, Coleman	—	—	415, 416	Smith, John	—	—	441
Maling, William	—	—	433	—, Michael	—	—	421
Pellfreyman, William	—	—	411	Tennant, John	—	—	418
Power, Elizabeth	—	—	429	Tellfair, William	—	—	397
Randall, James	—	—	411	Warren, John	—	—	402
Sennett, Francis	—	—	410	Woodhouse, Mary	—	—	399
Underwood, William, alias Whittaker	—	—	392				
Walker, William	—	—	416				
Wells, John	—	—	432				
White, David	—	—	431				
Young, Samuel	—	—	485				

To be transported for Fourteen Years, 1.

Allen, Margaret	—	—	438
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To be transported for Seven Years, 27.

Chambers, Elizabeth	—	—	402
Chamberlayne, William	—	—	337
Colugh, Elizabeth	—	—	396
Deeley, John	—	—	426
Flynn, Mary	—	—	427
Ford, William	—	—	419
Fright, David	—	—	438
Hughes, Mary	—	—	395
Johnson, John, alias Kelly	—	—	382
Jones, William	—	—	428
Isaacs, Simon	—	—	393
Kincaid, Thomas	—	—	389
Matthews, Ann	—	—	409
Moore, John	—	—	405

To be imprisoned One Year, 2.

Thomas Parkins (fined 1s.); William Clinch (fined 1s.)

To be imprisoned Six Months, 10.

John Hannakin, James Hughes, Mary Hopwood (fined 1s.); Elizabeth Caverner (fined 1s.); Sarah Eades, Susannah Kitchen, William, alias Thomas Williams, Patrick Doran (fined 1s.); Margaret Lockwood (fined 1s.); John Ellingham (fined 1s.); John Sullivan (and to find security); John Olivier (fined 1s.)

To be imprisoned Three Months, 1.

Richard Collyer.

To be whipped, 6.

Edward Shephard, Edward Wright, Christopher Chandler, John Dempsey, Charles Crawley, James Wallis.

Sentence respited on JOSEPH MANNIKEY, till the next Sessions.

THOMAS CHASELAND, a Capital Convict, being put to the Bar, accepted his Majesty's Pardon, on Condition of being transported for Life.

The trial of JOHN AUSTIN postponed to the next Sessions.

The next Sessions will begin on Wednesday, the 7th of December, at the Old Bailey.

I N D E X

O F

PERSONS tried at the OLD BAILEY, in the Mayoralty of the
Right Honourable JOHN BOYDELL.

N. B. The figures refer to the Number of the Trials; and the different Sentence each Prisoner received is marked *before* the Names, *viz.* those marked *D.* received Sentence of Death. *T. 14.* Transported for Fourteen Years. *T.* Transported for Seven Years. *N.* sentenced to hard Labour on the River Thames, to improve the Navigation. *B.* Branded. *W.* Whipped. *Im.* Imprisoned. *Fi.* Fined. *Sp.* Special.

And the Reader will also observe that the *Capital Crimes*, for which the several Prisoners were tried and received sentence of Death, are marked *after* the Names as follows:

<i>A.</i> Arson.	<i>R. D.</i> Robbery in the Dwelling-house.
<i>B.</i> Burglary.	<i>R. M.</i> Robbing the Mail.
<i>B. S.</i> Beast stealing.	<i>R. P.</i> Robbing the Post-office.
<i>C.</i> Coining.	<i>Ri.</i> Rioters.
<i>F.</i> Forgery.	<i>R. T.</i> Returned Transport.
<i>H.</i> Highway Robbery.	<i>S. D.</i> Stealing in a Dwelling-house.
<i>Ho.</i> House-breaking.	<i>S. L.</i> Shop-lifting.
<i>H. S.</i> Horse-stealing.	<i>Sh. S.</i> Sheep-stealing.
<i>M.</i> Murder.	<i>St. Ship.</i> Stealing on board a Ship or Barge.
<i>M. S.</i> Manslaughter.	<i>T.</i> Treason.
<i>Ob.</i> Obstructing.	<i>U. S.</i> Unlawfully shooting.
<i>P. S.</i> Privately stealing.	
<i>R.</i> Rape.	

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Ditto 1786, THOMAS WRIGHT, Esq;	—	—	897
Ditto 1785, RICHARD CLARK, Esq;	—	—	992
Ditto 1784, ROBERT PECKHAM, Esq;	—	—	1037
Ditto 1783, NATHANIEL NEWNHAM, Esq;	—	—	818
Ditto 1782, Sir WILLIAM PLOMER, Knt.	—	—	668

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Shop-lifting, 15, 117, 411, 568.

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